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## **“Revised” Planning Justification Report (May 28, 2020) - Official Plan Amendment and Zoning By-law Amendment Applications 1844 County Road 10 Township of Cavan Monaghan, County of Peterborough**

### **Introduction**

This “Revised” Planning Justification Report (May 28, 2020) has been prepared in support of Official Plan Amendment and Zoning By-law Amendment Applications for the north portion of the property known municipally as 1844 County Road No. 10, Township of Cavan Monaghan (former Hamlet of Ida).

### **The Applications - Background**

#### **Original Official Plan Amendment Application (OPA Application)**

The “Original” OPA Application was filed with the Township’s Planning Department on January 8, 2020 Zoning By-law Amendment Application (Original). The “Original” ZBLA Application was filed with the Township’s Planning Department on November 22, 2017. This ZBLA was filed in connection with a then pending DPOS Application filed with the Township’s Planning Department in early January 2015.

Certain revisions to the ZBLA Application are now required due to the Township initiated update of their Township Zoning By-law. This Amendment followed the November 22, 2017 filing of the “Original” ZBLA Application.

The OPA Application and companion ZBLA Application are required to re-designate and re-zone the lands proposed for development as a 15 (fifteen) lot residential Plan of Subdivision as follows:

1. OPA “Agriculture” to Hamlet, Township Official Plan; and
2. ZBLA “HR - Hamlet Residential”, Township Zoning By-law.

The Draft Plan of Subdivision Application (DPOS) was originally filed in early January 2015, based upon the then valid Hamlet designation applied to proposed development lands (Township Official Plan). Following the filing of the original DPOS Application, the Township Official Plan was amended (Comprehensive Update, township- initiated), and this amendment included the re-designation of the DPOS lands from Hamlet (Ida) to Agricultural.

The DPOS Application continued to be processed and received Township Council approval, in principle, in May 2018. Additionally, the DPOS Application was accompanied by a companion ZBLA Application as originally filed with the Township's Planning Department on November 22, 2017.

The DPOS Application was in turn provided to the County Planning Department for their processing and presentation to County Council for approval. Subsequently, the Province of Ontario on July 1, 2017 introduced a new Growth Plan for the Greater Golden Horseshoe (2017 Growth Plan). This Growth Plan gave rise to the introduction of two (2) significant map schedules:

- i. Agricultural Land Base Map; and
- ii. Natural Heritage Systems Map.

Both maps were directives established through the 2017 Growth Plan and were implemented in mid-2018 (with no transitional provisions). The Agricultural Land Base Map initiative has direct implications upon the proposed DPOS development lands.

Another consequence of the 2017 Growth Plan was a policy stating member municipalities that local land use/planning approvals were to be based upon the governing local Official Plan in effect as of July 1, 2017. There were no provisional measures or exceptions provided for in the 2017 Growth Plan policy framework in this regard. The pending DPOS Application was thus twice impacted by the 2017 Growth Plan and appeared to be at a stalemate in terms of further Application processing.

In May 2019, the Province of Ontario introduced A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2019 Growth Plan), serving to replace the July 1, 2017 Growth Plan.

The pending DPOS and companion ZBLA Applications are now compelled to demonstrate conformity with a "third" Growth Plan. Having said this, the 2019 Growth Plan does include certain policy provisions for the appropriate rounding-out or minor adjustment of rural settlement areas.

## 2.2.9 Rural Areas

7. Notwithstanding policy 2.2.8.2, **minor adjustments** may be made to the boundaries of rural settlements outside of a municipal comprehensive review, subject to the following:

- a) the affected settlement area is not in the Greenbelt Area;
- b) the change would constitute minor rounding out of existing development, in keeping with the rural character of the area;
- c) confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts on water; and
- d) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.

At a pre-consultation meeting held with both Township of Cavan Monaghan and County of Peterborough Planning Staff, it was determined that the inclusion of the pending DPOS development lands as part of the Ida Rural Settlement Area (Ida Hamlet) was possible, subject to the filing and approval of an Official Plan Amendment Application (OPA). The subject OPA Application represents the applicable land use approval Application.

Relative to the pending DPOS development, there were two (2) outstanding technical matters that required attention, summarized as follows:

### **a) Storm-water Management**

The Township, County and ORCA all had originally provided input towards the preliminary storm-water management program. After a series of meetings with the Applicant and myself, the Township assumed the lead on storm-water management and have accepted the preliminary recommendations as outlined by the Project Engineer (Engage Engineering). The details of storm-water management, which will include Low-Impact Development measures, as prescribed through the 2014 PPS, will be finalized as a condition of Draft Plan Approval (based upon the May 2018 version of the DPOS).

### **b) Conservation Authority**

Conservation Authority Staff required additional field - date/information regarding a feature within the southwest part of the development lands. There was some opinion that this feature was a wetland, and as such would necessitate environmental buffering and resultant modifications to the DPOS lot configuration.

The Project Environmental Consultant (Cambium Inc.) has since satisfied ORCA Staff, that this feature is not a wetland, and that the pending DPOS lot configuration can proceed as presented.

See Report 1 to this Report for details.

**The Applications**

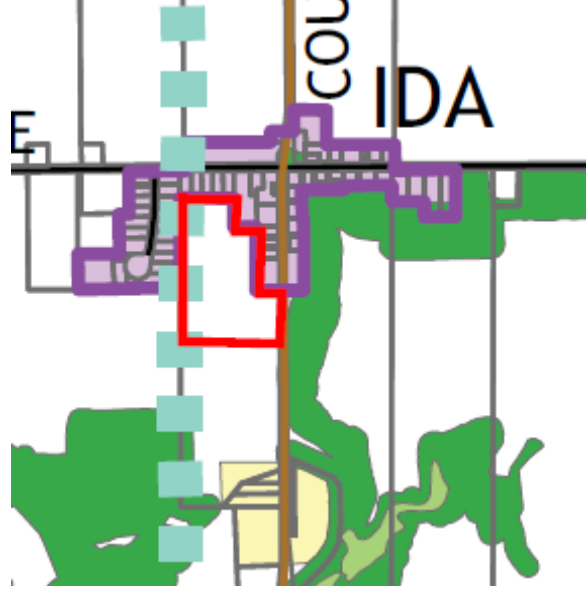
**Official Plan (OPA)**

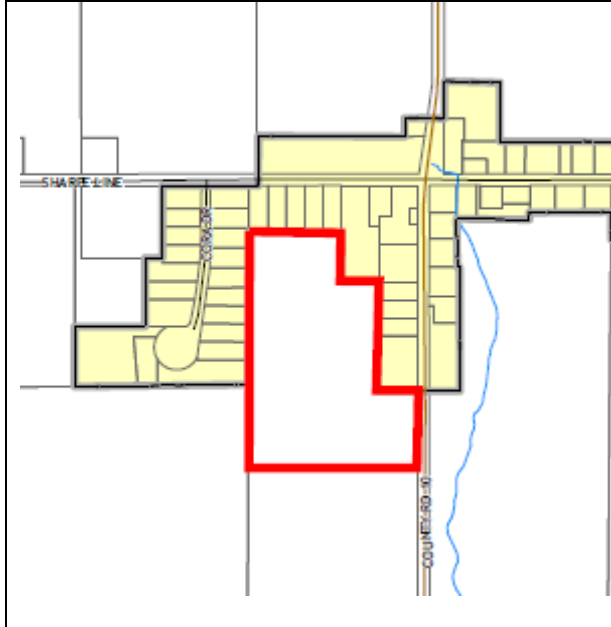
To amend Schedules 'A' - Land Use and 'F' Map 4 (Ida) of the Township of Cavan Monaghan Official Plan, as follows, including the following proposed Policy Exception:

**Proposed Policy Exception (4.9.4)**

"Notwithstanding the policies of Sections 4.9, 2.6 (a), 4.9.3 (a) and 8.3 the lands described as the north part of 1844 County Road No. 10, having an area of approximately 9.4 hectares, shall be permitted to form part of the southern portion of the Ida Hamlet (Schedule 'F' - Map 4 - Ida)."

**Proposed Official Plan Map - Details**

Map Detail	Schedule
	<p>Schedule 'A' - Land Use</p> <p>- Change from Agricultural Areas to Hamlet</p> <p>"Notwithstanding the policies of Sections 4.9, 2.6 (a), 4.9.3 (a) and 8.3 the lands described as the north part of 1844 County Road No. 10, having an area of approximately 9.4 hectares, shall be permitted to form part of the southern portion of the Ida Hamlet (Schedule 'F' - Map 4 - Ida)."</p>



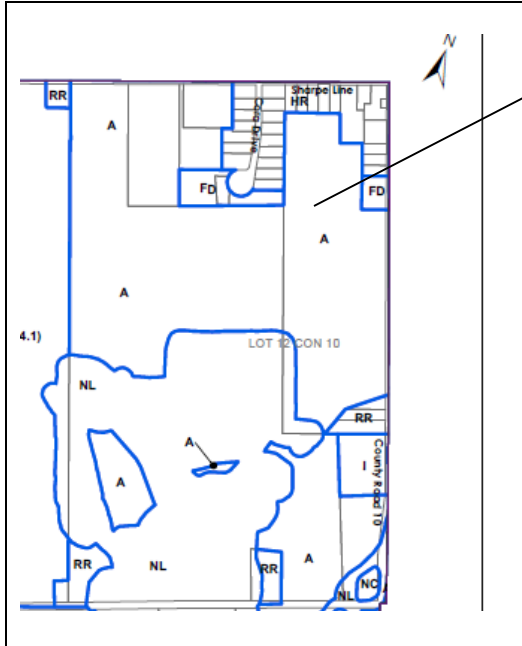
Schedule 'F' Map 4 - Ida

- Change from Agricultural Areas to Hamlet

"Notwithstanding the policies of Sections 4.9, 2.6 (a), 4.9.3 (a) and 8.3 the lands described as the north part of 1844 County Road No. 10, having an area of approximately 9.4 hectares, shall be permitted to form part of the southern portion of the Ida Hamlet (Schedule 'F' - Map 4 - Ida)."

**Zoning By-law (ZBLA)**

To amend By-law 2018-58 to permit the proposed 15 (fifteen) lot 7 DPOS (Residential), as follows:



The property

Note A zone should read A-16 Zone

(Source: Township Website, May 2020)

The current zoning (By-law 2018-58) of the DPOS lands / property is as follows:

A-16 – Agricultural (Exception 16);

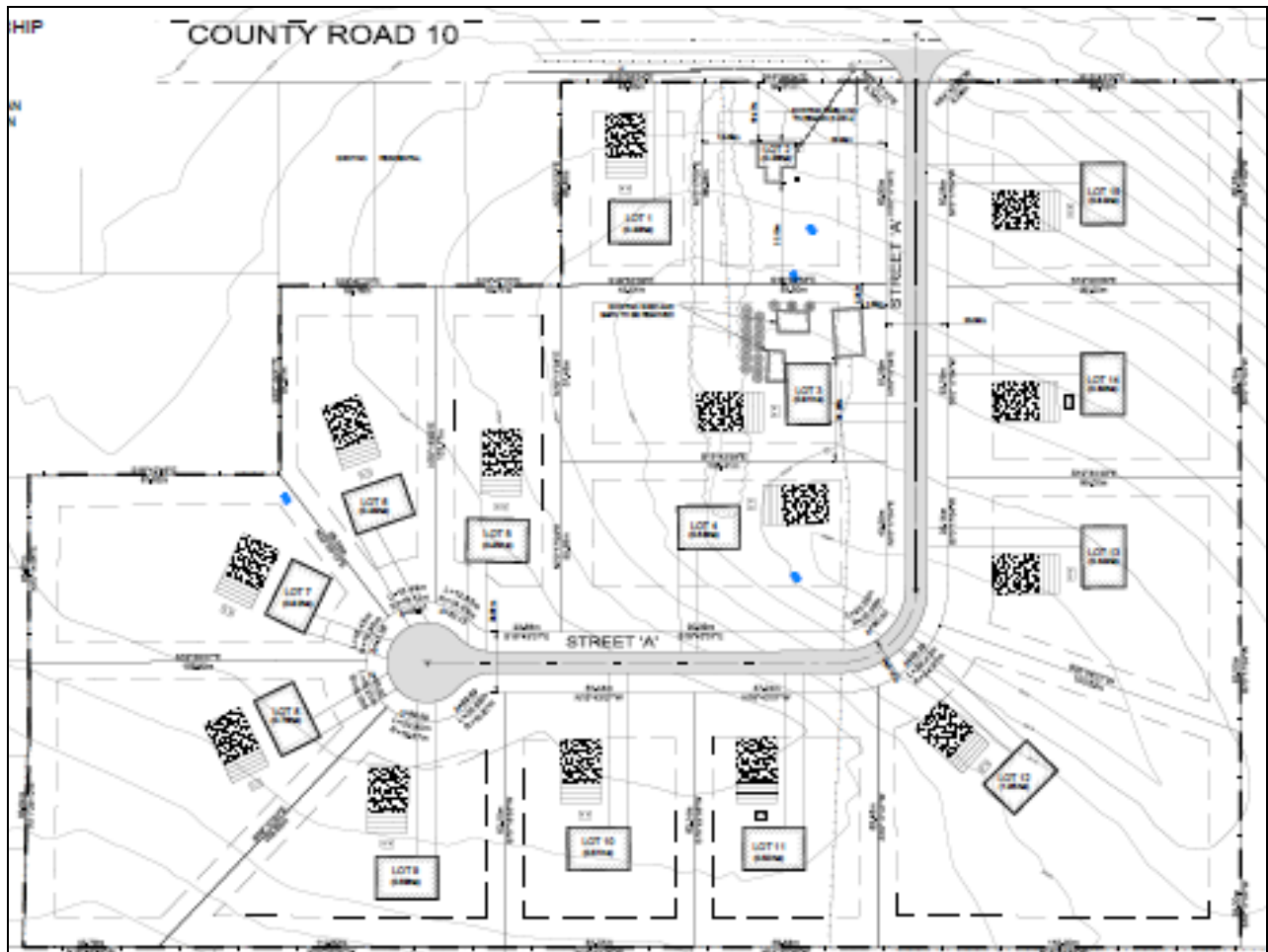
FD - Future Development; and

NL - Natural Linkage.

The ZBLA Application seeks to amend the current Zoning to HR - Hamlet Residential to permit the proposed 15 (fifteen) lot DPOS development.

The Zoning By-law Section of this Report provides additional analysis/commentary as it would pertain to the "Revised" ZBLA Application.

### **The Proposed Draft Plan of Subdivision (DPOS Plan)**



(Source: Engage Engineering, November 2017)

## Summary - Proposed Draft Plan of Subdivision November 2017)

LAND USE SCHEDULE			
LOT/BLOCK	AREA (ha)	FRONTAGE (m)	INTENDED USE
1	0.30 ha	45.62	SINGLE DETACHED DWELLING
2	0.39 ha	66.30	SINGLE DETACHED DWELLING
3	0.61 ha	57.59	SINGLE DETACHED DWELLING
4	0.58 ha	104.71	SINGLE DETACHED DWELLING
5	0.45 ha	45.04	SINGLE DETACHED DWELLING
6	0.46 ha	27.23	SINGLE DETACHED DWELLING
7	0.62 ha	32.82	SINGLE DETACHED DWELLING
8	0.79 ha	30.95	SINGLE DETACHED DWELLING
9	0.59 ha	57.16	SINGLE DETACHED DWELLING
10	0.51 ha	61.44	SINGLE DETACHED DWELLING
11	0.50 ha	59.54	SINGLE DETACHED DWELLING
12	1.05 ha	49.66	SINGLE DETACHED DWELLING
13	0.63 ha	54.12	SINGLE DETACHED DWELLING
14	0.60 ha	62.76	SINGLE DETACHED DWELLING
15	0.63 ha	60.58	SINGLE DETACHED DWELLING
LOT AREA: 8.51 ha R.O.W. AREA: 0.96 ha TOTAL AREA: 9.47 ha			

The proposed plan incorporates 15 lots, all intended for single unit dwelling use. The lots vary in size from 0.3 to 1.05 hectares. All lots can be supported by on-site water and waste water facilities.

The proposed Draft Plan of Subdivision (Residential) employs the north portion of the subject property. The existing farm dwelling will be retained and be located on Lot 3 of the proposed plan. The 2018 Township recommended Draft Plan of Subdivision (DPOS) incorporated an expanded land base from that of the original DPOS Application - early January 2015. The expanded land base was evaluated from various perspectives including:

- i. Environmental (Supplementary EIS Report May 1, 2018) prepared by Cambium Inc.); and

- ii. Civil Engineering letter report prepared by Engage Engineering dated April 27, 2018, confirming the appropriateness of the expanded land base (site services, road network).

The original DPOS plan encompassed an area of 6.22 hectares (15.4 acres). Notwithstanding the technical support evidenced through the Hydrogeological Report, (private waste-water facilities), the Peterborough Health Unit would not support the proposed lots to incorporate alternate waste-water facilities. The Health Unit's insistence that lots have minimum area of 0.4 hectares (1 acre) in order to accommodate Class 4 conventional septic systems implicated the proposed development area of the original DPOS.

Without reducing the number of proposed residential lots, the Health Unit's request could not be physically accommodated based upon the area of the original DPOS plan. The reduction of residential lots would have seriously jeopardized the economic viability of this subdivision project. The proposed solution, therefore, was to re-design the original plan to ensure that all residential lots have a minimum lot area of 0.4 hectares (1 acre). This had the effect of increasing the area of the proposed DPOS.

The Township Official Plan (pre-2014) established the boundary of the "Ida" Rural Settlement Area. This boundary required to be shifted in a southerly direction to accommodate the proposed increase of lot area of the modified/expanded area of the DPOS.

This "modest" boundary adjustment was and remains appropriate. Moreover, it is my Professional Planning Opinion that this boundary adjustment is:

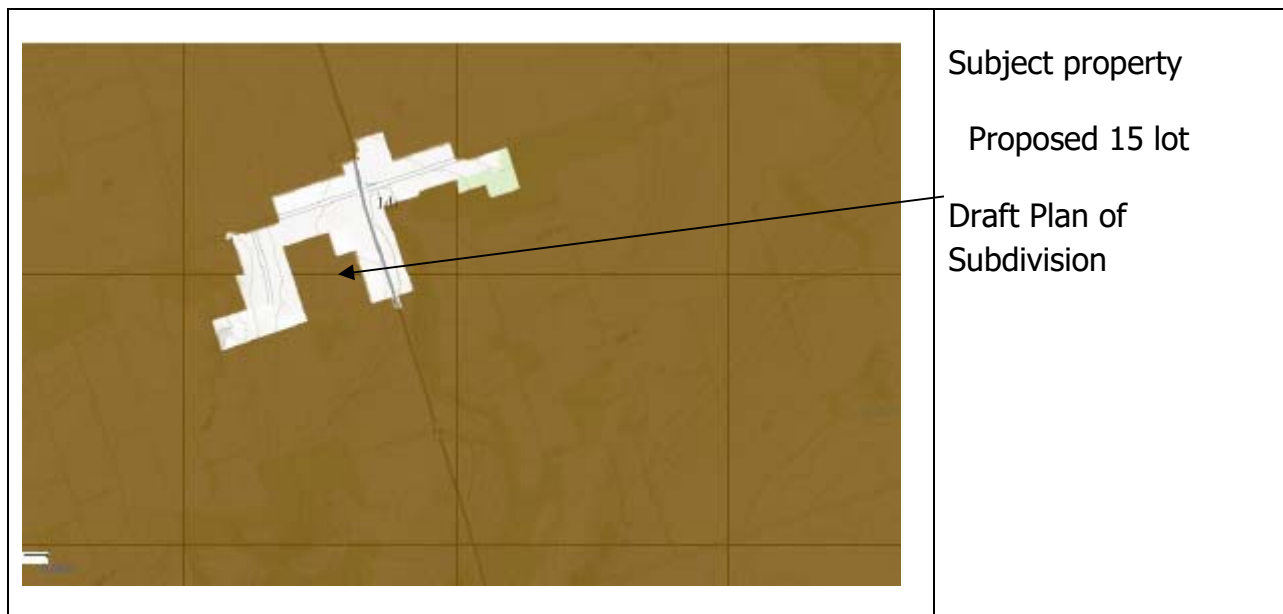
- Consistent with the policy directives of the 2020 PPS (development is proposed to be located within lands to be designated as a Rural Settlement Area, and said lands can be supported by private on-site water and waste-water facilities);
- In Conformity with the policy directives of the 2019 Growth Plan, including policies allowing for minor adjustments of the boundaries rural settlement areas;
- In Keeping with the general purpose and intent of the County of Peterborough (upper tier) and Township of Cavan Monaghan Official Plan, subject to the proposed OPA Application;



- In Keeping with the general purpose and intent of the regulatory provisions of the Township Zoning By-law (2018-58). A related "Revised" ZBLA Application has been filed in connection with the subject OPA Application; and
- Is Representative of Good Planning.

**The February 2018 Agricultural Land Base Mapping (Ministry of Agriculture, Food and Rural Affairs).**

February 2018 OMAFRA Agricultural Land Base Mapping - Detail



The OMAFRA Agricultural Land Base Mapping - February 8, 2018, incorporated the lands subject of the Draft Plan of Subdivision Application. It has been acknowledged that:

- i. That the Township of Cavan Monaghan Council has recommended (in principle), the approval of the Draft Plan of Subdivision;
- ii. This Township recommendation/approval was predicted upon consistency with the then applicable 2014 PPS, conformity with the then applicable 2017 Growth Plan and general conformity with the policy directives of both the County and Township (2014) Official Plans;

- iii. The proposed DPOS lands are abutted on three sides by established low density residential properties; and
- iv. The lands are, at best, marginal for any agricultural purpose.

### Area Map – Land Use



(Source: County of Peterborough Website, May 2020)

It would be appropriate for the DPOS Application approval to incorporate consideration for a request to the Ministry of Municipal Affairs and Housing (and OMAFRA, if required) to revise the Agricultural Land Base Map to exclude the lands subject of the Township recommended Draft Plan of Subdivision lands, in addition to the requested Official Plan Amendment.

### Background Reports/Studies – An Overview

The DPOS Application was supported by required Background Reports/Studies. These documents were previously to the Township and County for review/commentary. The following section of this Report offers and overview of the findings/recommendations of said Reports/Studies.

## **Stormwater Management/Functional Servicing Report**

**Preliminary Stormwater Management**, design/functionality and related details were addressed by Engage Engineering Ltd. On-site infiltration methodology will be employed.

I have reviewed said information and the details of the Plan (including detailed site visits) and find the Report recommendations to continue to be appropriate.

**Servicing, Site Servicing** was addressed by a Functional Servicing Report prepared by Engage Engineering Limited and supported by a Hydrogeological Assessment by Cambium Inc.

**Water Supply**, the Report acknowledges the provision/supply and distribution of private wells to serve the residential lots throughout the Plan.

**Sewage Disposal**, the Report acknowledges the provision of private septic facilities for all residential lots. The precise location of septic facilities will be ultimately determined through the building permit process.

The November 2017 DPOS Plan illustrates the proposed location of private septic facilities on an individual lot basis.

I have reviewed these Reports (including detailed site visits) and find the respective recommendations to continue to be appropriate for the proposed DPOS development.

## **Archaeological Assessment – Stages One and Two**

An Archaeological Assessment – Stage 1 and 2 Report was prepared by Earthworks Archaeological Services, November 2014. Said Report has been filed with the Provincial Ministry of Tourism, Culture and Sport for review and approval.

The Assessment, which included background research and investigation as well as a Stage 2 test pit survey confirmed that the area of the proposed DPOS is free of archaeological features or artifacts.

## **Environmental Impact Study (EIS)**

An Environmental Impact Study was prepared by Cambium Inc., December 2014.

The EIS Report offered a series of recommendations outlined on pages 17 and 18 of the concerned Report. Some additional field work is required in early spring 2015.

Additionally, regard for the presence of the barn swallow species, nests of said species found within the existing barn structure will have to be implemented in the event said barn is demolished. The property owner is conversant and is prepared to undertake the required habitat replacement work.

Cambium Inc. staff have since completed the additional fieldwork and reporting. The requirements for species at risk have been addressed or nearing fulfillment. Additionally, the ORCA concerns regarding natural features wetlands have also been addressed.

## Analysis

### 2020 Provincial Policy Statement (2020 PPS)

The 2020 PPS came into effect on May 1, 2020 and replace the 2014 PPS version. The 2020 PPS sets forth a series of policies addressing planning, growth, development, environment and related matters on a province wide basis. Development/land use approval applications must demonstrate consistency with the policy directives of the 2020 PPS. The pertinent policy sections of the 2020 PPS are included as part of Attachment 'B' to this Report, and are generally summarized as follows:

Policy	Title - Details
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns that would prevent the efficient expansion of <i>settlement areas</i> in those areas which are adjacent or close to <i>settlement areas</i>:</li> </ul>
1.1.3	Settlement Areas

	<p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.</p> <p>The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p>1.1.3.1 <i>Settlement areas</i> shall be the focus of growth and development.</p> <p>1.1.3.2 Land use patterns within <i>settlement areas</i> shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the <i>infrastructure</i> and <i>public service facilities</i> which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> </ul> <p><b>Opinion: The OPA Application, if approved, would have the DPOS development lands forming part of the Ida Hamlet (Rural Settlement Area).</b></p>
1.1.3.9	<p>1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of <i>settlement area</i> boundaries outside a <i>comprehensive review</i> provided:</p> <ul style="list-style-type: none"> <li>a) there would be no net increase in land within the <i>settlement areas</i>;</li> <li>b) the adjustment would support the municipality’s ability to meet <i>intensification</i> and <i>redevelopment</i> targets established by the municipality;</li> <li>c) <i>prime agricultural areas</i> are addressed in accordance with 1.1.3.8 (c), (d) and (e); and</li> <li>d) the <i>settlement area</i> to which lands would be added is appropriately serviced and there is sufficient reserve <i>infrastructure</i> capacity to service the lands.</li> </ul> <p><b>Opinion: The OPA Application, if approved, would have the DPOS development lands forming part of the Ida Hamlet (Rural Settlement Area).</b></p>

<p>1.1.4</p>	<p><b>1.1.4 Rural Areas in Municipalities</b></p> <p>Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p> <p>Ontario’s rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario’s natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.</p>
<p>1.1.4.1</p>	<p>1.1.4.1 Healthy, integrated and viable <i>rural areas</i> should be supported by:</p> <ul style="list-style-type: none"> <li>a) building upon rural character, and leveraging rural amenities and assets;</li> <li>b) promoting regeneration, including the redevelopment of <i>brownfield sites</i>;</li> <li>c) accommodating an appropriate range and mix of housing in <i>rural settlement areas</i>:</li> </ul> <p><b>Opinion: The OPA Application, if approved would permit a new DPOS (Residential) as part of a designated rural settlement area (IDA)</b></p>
<p>1.1.4.2 1.1.4.3</p>	<p>1.1.4.2 In <i>rural areas</i>, <i>rural settlement areas</i> shall be the focus of growth and development and their vitality and regeneration shall be promoted.</p> <p>1.1.4.3 When directing development in <i>rural settlement areas</i> in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.</p> <p><b>Opinion: The OPA Application, if approved would permit a new DPOS (Residential) as part of a designated rural settlement area (IDA). The form and scale of the proposed residential lots (15) is in keeping with area land uses and rural characteristics.</b></p>
<p>1.2</p>	<p>Coordination</p>
<p>1.6</p>	<p>e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where <i>municipal sewage services and municipal water services</i> are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.</p>



	<p>1.6.6.4 Where <i>municipal sewage services and municipal water services or private communal sewage services and private communal water services</i> are not available, planned or feasible, <i>individual on-site sewage services and individual on-site water services</i> may be used provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>. In <i>settlement areas</i>, <i>individual on-site sewage services and individual on-site water services</i> may be used for infilling and minor rounding out of existing development.</p> <p><b>The proposed DPOS development will be supported by on-site private water and waste-water services/ facilities.</b></p>
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The 2020 PPS policies permits, subject to satisfying certain development related criteria, residential development within established rural settlement areas forming part of the Rural Area fabric of the province.

The proposed Draft Plan of Subdivision employs lands forming part of the former Ida Settlement Area (former Village of Ida, County of Peterborough). No new settlement area or the expansion of any existing settlement area was contemplated by the original Application. The background/technical studies carried-out in support of the original DPOS Application confirmed the suitability and appropriateness of the property for use as a rural plan of subdivision.

**It is my professional planning opinion that the DPOS Application is consistent with the policy directives of the 2020 PPS.**

**2019 A Place to Grow, Growth Plan for the Greater Golden Horseshoe Area (2019 Growth Plan)**

The 2019 Growth Plan came into effect on May 16, 2019 serving to replace the 2017 Growth Plan. The 2017 Growth Plan served to replace the 2005 Growth Plan. The 2019 Growth Plan sets forth a series of detailed policies addressing population and employment Growth and related land use, planning and development matters for the Greater Golden Horseshoe Area. The County of Peterborough and its member (lower-tier) municipalities are located within the eastern part of the outer-ring portion of the plan.

Relative to the subject Official Plan Amendment Application, the following policies of the 2019 A Place to Grow Plan are considered to have direct relevancy:

<b>Policy</b>	<b>Title - Details</b>
Table of Contents	

1.2.1	<p>Guiding Principles</p> <p>The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:</p> <ul style="list-style-type: none"> <li>• Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.</li> <li>• Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.</li> </ul> <p><b>Opinion: If approved, the OPA Application will contribute towards a complete community (Township as a whole).</b></p>
	<p>Read the Entire Plan</p> <p>This Plan is to be read in its entirety and the relevant policies are to be applied to each situation. The language of each policy, including the policies in Section 5, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole. There is no implied priority in the order in which the policies appear.</p> <p><b>Opinion: For purposes of this Report, I have considered/read the entire document.</b></p>
2.2	<p>Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <ol style="list-style-type: none"> <li>1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.</li> <li>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</li> </ol>



	<p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> <li>i. have a delineated built boundary;</li> <li>ii. have existing or planned municipal water and wastewater systems; and</li> <li>iii. can support the achievement of complete communities;</li> </ul> <p>b) growth will be limited in settlement areas that:</p> <ul style="list-style-type: none"> <li>i. are rural settlements;</li> <li>ii. are not serviced by existing or planned municipal water and wastewater systems; or</li> <li>iii. are in the Greenbelt Area;</li> </ul> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p><b>Opinion: The OPA Application seeks to re-designate the DPOS development lands as "Hamlet" (Ida Hamlet). These lands were previously part of the Ida Hamlet - "Rural Settlement Area". It is appropriate to have said lands revert to their former land use designation, as applicable at time of the January 2015 DPOS Application filing.</b></p> <p><b>The DPOS will not impact upon prime Agricultural lands.</b></p>
2.2.9	<p>Rural Areas</p> <ol style="list-style-type: none"> <li>1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.</li> <li>2. Public service facilities in rural settlements should be co-located and integrated in community hubs, and priority should be given to maintaining and adapting existing public service facilities in community hubs to meet the needs of the community, where feasible.</li> <li>7. Notwithstanding policy 2.2.8.2, <b>minor adjustments</b> may be</li> </ol>

	<p>made to the boundaries of rural settlements outside of a municipal comprehensive review, subject to the following:</p> <ul style="list-style-type: none"> <li>a) the affected settlement area is not in the Greenbelt Area;</li> <li>b) the change would constitute minor rounding out of existing development, in keeping with the rural character of the area;</li> <li>c) confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts on water; and</li> <li>d) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.</li> </ul> <p><b>Opinion: The OPA Application contemplates a “minor adjustment” to the existing southerly boundary of the Ida Hamlet (Rural Settlement Area).</b></p> <p><b>The DPOS development is comprised of 15 (fifteen) lots all to be supported by private on-site services. Such services have been assessed through previous technical studies.</b></p> <p><b>The DPOS development lands are bounded on 3 (three) sides by existing low-density residential uses. The DPOS will be developed for similar land use purposes.</b></p> <p><b>The DPOS development lands were previously part of the designated Ida Hamlet. The pending finalization of the DPOS Application requires the “return” of the development lands to once again be part of the Ida Hamlet. The magnitude of development does not warrant a municipal comprehensive review and should be interpreted as a minor adjustment of the Ida Hamlet (Rural Settlement Area).</b></p>
3.2.7	<p>Stormwater Management</p> <p>2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:</p> <ul style="list-style-type: none"> <li>b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;</li> <li>c) establishes planning, design, and construction practices to</li> </ul>

minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces.

**Opinion: The proposed DPOS will incorporate appropriate stormwater management controls, including low-impact development measures, as per the preliminary Stormwater Management Report (Engage Engineering).**

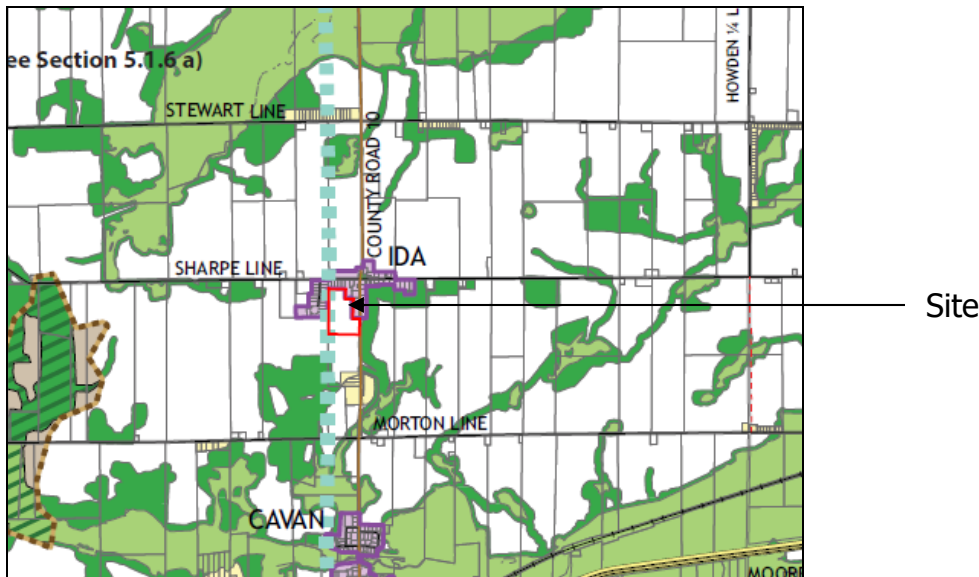
**In summary, the OPA Application is possible, in light of the new-found policy directives of Section 2.2.9 (Rural Areas) of the 2019 Growth Plan. The re-designation of land to Hamlet will facilitate the contemplated minor adjustment of the boundary of the Ida Hamlet (Rural Settlement Area).**

**It is my professional opinion that the Official Plan Amendment Application conforms to the policy directives of the 2019 A Place to Grow Plan.**

### **Township of Cavan Monaghan Official Plan (2015)**

The DPOS development lands, subject of the OPA Application are currently designated as "Agricultural Areas" by Schedule 'A' - Land Use of the Township Official Plan.

### **Map Schedule Detail (Schedule 'A')**



(Source: Township Website, May 2020)

The OPA Application seeks to re-designate the DPOS development lands to "Hamlet" to form part of the existing Ida Hamlet designation. As previously noted in this Report, the DPOS development lands were previously designated Hamlet (Township Official Plan

2014). Amendments to Schedules 'A' - Land use and 'F' (Map 4) Ida will apply in this instance.

Relative to the OPA Application, the following policies of the Township Official Plan are considered to have direct relevancy:

Policy	Title - Detail
4.9	<p data-bbox="509 506 651 537"><b>HAMLETS</b></p> <p data-bbox="509 575 1430 961">The Hamlet designation applies to lands within the boundaries of Ida, Cavan, Mount Pleasant, Five Mile Turn (North Monaghan), Springville, Fraserville, Bailieboro and South Monaghan. The Hamlets are identified generally on Schedule A and more specifically on Schedule F, Maps 1 through 8. The Hamlets are small scale settlement areas that provide an important residential, commercial and social focus in the Rural area. The boundaries of the Hamlets are further delineated in maps provided in Schedule F to the Plan.</p> <p data-bbox="509 999 1409 1209"><b>Opinion: The OPA Application seeks to re-designate the property as "Hamlet", to form part of the Ida Hamlet designation. The small-scale nature of this settlement area would be re-enforced with the approval of the OPA Application.</b></p>
4.9.1	<p data-bbox="509 1247 662 1278"><b>Objectives</b></p> <p data-bbox="509 1316 1076 1348">It is the objective of this designation to:</p> <ul style="list-style-type: none"> <li data-bbox="509 1386 1333 1467">a) Recognize the unique and historic nature of the smaller settlement areas in the Township;</li> <li data-bbox="509 1505 1360 1587">b) Maintain the character and amenities of the existing rural communities in the Township;</li> <li data-bbox="509 1625 1411 1707">e) Ensure that new development in the Hamlets are sustainable on the basis of private services.</li> </ul> <p data-bbox="509 1736 1422 1856"><b>Opinion: The lands subject of this OPA Application were historically part of the existing Ida Hamlet, although not developed. The character-nature of this Hamlet will be</b></p>

	<p><b>maintained through OPA Application and the pending DPOS Application.</b></p>
<p>4.9.2</p>	<p>Permitted Uses (Hamlets)</p> <p>Land in the Hamlet designation may be used for the following:</p> <p>a) Single-detached or semi-detached dwellings;</p> <p><b>Opinion: The OPA Application, if approved, will facilitate the finalization of a pending January 2015 DPOS Application comprised of 15 (fifteen) lots all intended for single-detached dwelling residential use, and the “Revised” ZBLA Application.</b></p>
<p>4.9.3</p>	<p>General Development Policies</p> <p>a) Following the adoption of this Plan no further Hamlet boundary expansion or new hamlets will be considered during the life of this Plan;</p> <p>b) Residential development shall be generally by plan of subdivision. However, infilling or minor expansions within the Hamlet boundary through the creation of lots by severance may be permitted subject to the approval of the sewage and water services by the Township or its delegated authority;</p> <p>c) In addition to the requirements of the Planning Act, and Section 8.4 of this Plan an application for approval of a draft plan of subdivision within a Hamlet shall be accompanied by:</p> <p>i) A current hydro-geological report based on test wells on the subject site, addressing existing conditions and the potential impact of the proposed subdivision on the available water supply in terms of quantity, quality and sustainable yield for both the proposed and existing wells. The report shall also assess the potential impact of proposed private sewage disposal systems on the groundwater supply in terms of bacterial and chemical parameters, as determined by the County and the Ministry of the Environment;</p>

	<p>ii) A lot servicing plan, indicating the proposed location of all structures, drilled wells and the subsurface sewage disposal system envelopes, including a 100 percent replacement area for each in ground conventional Class 4 sewage disposal system;</p> <p>iii) A report of the results of a soil sampling program that adequately represents the geology of the subdivision, and,</p> <p>iv) An existing and final grading plan indicating elevations and lot drainage patterns.</p> <p><b>Opinion: The OPA Application seeks to permit the northern part of the property to be re-designated as "Hamlet". Policy 4.9.3 (2) states that no further Boundary expansion is permitted. Yet the 2019 Growth Plan specifically allows for minor adjustments of rural settlement areas, which would include Hamlets.</b></p> <p><b>The pending DPOS Application is supported by various background suitability of the development lands to accommodate 15 (fifteen) single detached dwelling building lots.</b></p> <p><b>A new Hamlet is not being created. Rather, a minor adjustment of the southerly boundary of a designated Hamlet is proposed.</b></p> <p><b>Given the large range of Policy 4.9.3 (2) it would be appropriate to include a "policy exception" in this instance, to permit the intent of the OPA Application.</b></p>
5.1	<p>AGRICULTURAL AREAS</p> <p>The Agricultural designation applies to lands that are lands which have a high capability for agriculture. Lands that generally have soil Classes 1, 2 and 3 according to the Canada Land Inventory and are predominantly used for agriculture are in the Agricultural designation as identified on Schedule A.</p> <p><b>Opinion: The OPA Application seeks to re-designate the property to "Hamlet". The property is not designated as</b></p>

	<p><b>“Prime Agriculture” and can be described as marginal in terms of agricultural use potential. Moreover, the property is adjoined on 3 (three) boundaries by established low density residential use.</b></p>
<p>8.2</p>	<p>AMENDMENTS TO THE PLAN</p> <p>a) This Plan should only be amended when the policies of this Plan have been found not to address issues, or alternatively, issues have been raised with respect to site-specific proposals that must be addressed in a comprehensive manner. Any amendment shall conform to the overall intent of the Official Plan as set out in the Strategic Directions and policies of the Plan;</p> <p>b) Privately initiated amendments prior to the 5-year review of this Plan are generally discouraged. However, if a request for an amendment is received, Council may consider such a request, which must include sufficient information and justification to enable the requested amendment to be evaluated as per the requirements of Section 8.4. The following general criteria shall apply to the review of all Official Plan Amendment applications and the proponent of an amendment may be required to submit reports from qualified professionals to address such matters, including but not necessarily limited to:</p> <ul style="list-style-type: none"> <li>i) Conformity to the strategic directions and policies of this Plan;</li> <li>ii) Suitability of the location of the proposed use;</li> <li>iii) Compatibility with existing and planned land uses in the surrounding area;</li> <li>iv) The impact on the natural environment having regard for natural heritage features and hydrologic features;</li> <li>v) Need for the proposed use;</li> <li>vi) Availability of supporting capital works and services;</li> <li>vii) Fiscal impact on municipal capital works and services;</li> </ul>

	<p>viii) Comments of public agencies;</p> <p>ix) Any other specific requirements of Council; and</p> <p>x) In the case of lands within identified vulnerable areas, demonstration of how the proposal conforms to the policies of Section 3.19 where applicable.</p> <p><b>Opinion: The OPA Application was determined by Township and County Planning Staff as appropriate in this instance; that is to finalize a pending DPOS Application that has Township approval-in-principle. The required background/technical studies were previously provided and evaluated. Public meetings have been held insofar as the DPOS and associated ZBLA Applications.</b></p> <p>d) If a request for an amendment is received to change the land use designation or zone from an Agricultural or Rural land use designation or zone to a designation or zone which will permit development, the amendment will be required to meet Minimum Distance Separation Formulae (MDS) as outlined in Section 3.27.</p> <p>Amendments to rezone or redesignate land already zoned or designated for a non-agricultural use, shall only need to meet the (MDS I) setbacks if the amendment(s) will permit a more sensitive land use than existed before.</p> <p><b>Opinion: There are no MDS issues associated with this Application. The existing barn structure is scheduled to be removed as part of the realization of the pending DPOS Application.</b></p>
8.3	<p>SETTLEMENT AREA EXPANSIONS</p> <p>The external boundaries of the Settlement Area and Hamlet designations as shown on the Schedules to this Plan are fixed and inflexible. Expansions to these areas are not permitted by the policies of and within the life of this Plan unless a comprehensive Official Plan Review is undertaken by Council.</p> <p>The expansion of any Settlement Area through an Official Plan</p>



	<p>Amendment shall only be considered at the time of a comprehensive review of this Official Plan. Further expansions of Settlement Areas within the Township will not be considered unless and until appropriate studies have been completed including a consideration of settlement expansion in the SSA-1 in accordance with section 2.6. In considering the expansion of Settlement Areas, Council shall be satisfied that:</p> <p>c) In Agricultural areas:</p> <p>i) The lands do not comprise specialty crop areas;</p> <p>ii) There is no reasonable alternatives to avoid prime agricultural areas; and,</p> <p>iii) There are no reasonable alternatives of lower priority agricultural lands in prime agricultural areas.</p> <p>d) Impacts from new or expanding Settlement Areas on agricultural operations which are adjacent or close to the Settlement Area are mitigated to the extent possible.</p> <p><b>Opinion: As noted, this OPA Application was considered at a Pre-Consultation meeting with Township and County Planning Staff. Given the new-found policy directives of the 2019 Growth Plan, relating the “minor adjustment” of the designated/established rural settlement areas, it was concluded that an OPA Application could be considered. The Township’s Official Plan was prepared and approved predicted upon the 2005 Growth Plan which has evolved and been twice updated.</b></p> <p><b>The 2019 Growth Plan allows for the nature/intent of the subject OPA Application</b></p>
8.5	<p>PRE-CONSULTATION</p> <p>Prior to the submission of any development application for which the Township is the approval authority, proponents shall consult with the Township in accordance with the provisions of this Plan</p>

	<p>and the Township’s Pre-consultation By-law. The County of Peterborough is encouraged to participate in the Township’s pre-consultation process as appropriate. The pre-consultation process is intended to address the requirements for a complete application and may require more than one pre-consultation meeting and involve other agencies and Municipal Departments.</p> <p><b>Opinion: A Pre-Consultation meeting was held Tuesday November 12, 2019 2:00 pm, at the Township Administrative Offices, attended by both Township and County Planning Staff, at which the scope-nature type of land use approval Application were considered.</b></p>
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**In Summary, the OPA Application seeks to re-designate the property from “Agriculture” to “Hamlet”, to form part of the southern portion of the existing Ida Hamlet. Map Schedules ‘A’ - Land Use and ‘F’ (Map 4 - Ida) require an Amendment. Additionally, it is necessary that a policy exception be included as part of the amendment, given the current policy language of the Official Plan.**

Section 4.9 (Hamlet) of the Official Plan, sets forth policies regarding the various Hamlets located throughout the geographical limits of the Township. Relative to the subject Official Plan Amendment Application the following policies are considered to have direct relevancy:

<b>Policy</b>	<b>Titles - Details</b>
4.9	<p>Hamlets</p> <p>The Hamlet designation applies to lands within the boundaries of <b>Ida</b>, Cavan, Mount Pleasant, Five Mile Turn (North Monaghan), Springville, Fraserville, Bailieboro and South Monaghan. The Hamlets are identified generally on Schedule A and more specifically on Schedule F, Maps 1 through 8. The Hamlets are small scale settlement areas that provide an important residential, commercial and social focus in the Rural area. The boundaries of the Hamlets are further delineated in maps provided in <b>Schedule F to the Plan.</b></p>

	<p><b>Opinion: The OPA Application serves to re-introduce the development lands as forming part of the southern portion of the Ida Hamlet designation.</b></p>
<p>4.9.1</p>	<p>Objectives</p> <p>It is the objective of this designation to:</p> <ul style="list-style-type: none"> <li>a) Recognize the unique and historic nature of the smaller settlement areas in the Township;</li> <li>b) Maintain the character and amenities of the existing rural communities in the Township;</li> <li>e) Ensure that new development in the Hamlets are sustainable on the basis of private services.</li> </ul> <p><b>Opinion: The OPA Application and companion DPOS and ZBLA Applications collectively serve to permit an appropriate form of development reinforcing the nature of this specific rural settlement area.</b></p>
<p>4.9.2</p>	<p>Land in the Hamlet designation may be used for the following:</p> <ul style="list-style-type: none"> <li>a) Single-detached or semi-detached dwellings;</li> </ul> <p><b>Opinion: The Applications serve to permit a small-scale infill DPOS (residential) to be comprised of single-detached dwellings.</b></p>
<p>4.9.3</p>	<p>General Development Policies</p> <ul style="list-style-type: none"> <li>a) Following the adoption of this Plan no further Hamlet boundary expansion or new hamlets will be considered during the life of this Plan;</li> <li>b) Residential development shall be generally by plan of subdivision. However, infilling or minor expansions within the Hamlet boundary through the creation of lots by severance may be permitted subject to the approval of the sewage and water services by the Township or its delegated authority;</li> <li>c) In addition to the requirements of the Planning Act, and</li> </ul>

	<p>Section 8.4 of this Plan an application for approval of a draft plan of subdivision within a Hamlet shall be accompanied by:</p> <ul style="list-style-type: none"><li>i) A current hydro-geological report based on test wells on the subject site, addressing existing conditions and the potential impact of the proposed subdivision on the available water supply in terms of quantity, quality and sustainable yield for both the proposed and existing wells. The report shall also assess the potential impact of proposed private sewage disposal systems on the groundwater supply in terms of bacterial and chemical parameters, as determined by the County and the Ministry of the Environment;</li><li>ii) A lot servicing plan, indicating the proposed location of all structures, drilled wells and the subsurface sewage disposal system envelopes, including a 100 percent replacement area for each in ground conventional Class 4 sewage disposal system;</li><li>iii) A report of the results of a soil sampling program that adequately represents the geology of the subdivision, and, iv) An existing and final grading plan indicating elevations and lot drainage patterns.</li></ul> <p>f) The minimum lot size in a Hamlet shall not be less than that required for the safe and efficient operation of private individual services for sewage disposal and water on the site;</p> <p>g) New development shall be designed to maintain the historic rural character of the Hamlet areas. The built form and building materials should reflect this character. Council may use Site Plan control within the Hamlet areas to ensure that new development is compatible with the existing community;</p> <p><b>Opinion: The DPOS were previously part of the Ida Hamlet designation. The south part of form Hamlet designation was removed from the Official plan notwithstanding an active DPOS Application (early January 2015).</b></p> <p><b>The proposed Applications serve to permit a small-scale</b></p>
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	<p><b>infill DPOS (residential) to be comprised of single-detached dwellings.</b></p> <p><b>The form of development is a compatible scale with established adjacent residential properties. Additionally, the proposed 15 (fifteen) lots can be supported by private on-site water and waste-water facilities.</b></p>
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**Proposed Policy Exception (4.9.4)**

“Notwithstanding the policies of Sections 4.9, 2.6 (a), 4.9.3 (a) and 8.3 the lands described as the north part of 1844 County Road No. 10, having an area of approximately 9.4 hectares, shall be permitted to form part of the southern portion of the Ida Hamlet (Schedule ‘F’ - Map 4 - Ida).”

**It is my professional planning opinion that the Official Plan and related Zoning By-law Amendment Application are in keeping with the general purpose and intent of the policies and designations of the Township Official Plan.**

**Township Zoning By-law (2018-58)**

**Current Zoning Map (Map C2 - Detail)**

	<p><b>The Property</b></p> <p><b>Note: Should rear A-16 Zone</b></p>
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Source: Township Website, May 2020)

The proposed 15 (fifteen) lot DPOS (Residential) requires the Township Council approval of a ZBLA Application. It is proposed that the DPOS lands be rezoned to HR - Hamlet Residential. This residential zone permits single detached dwelling uses, and has specific regulations pertaining to uses requiring private on-site water and waste-water facilities. The November 2017 DPOS "Draft" Plan (Engage Engineering), illustrates a lot configuration meeting the regulatory requirements of the HR - Hamlet Residential zone.

## **Summary**

The Official Plan Amendment Application (OPA) serves to return the northern part of the overall property to become part of the southern portion of the Ida Hamlet (Schedule 'F' - Map 4 of the Official Plan), and includes a related policy exception in this regard.

The "Revised" Zoning By-law Amendment Application (ZBLA) serves to rezone the DPOS lands to HR - Hamlet Residential zone; the appropriate zoning for a rural settlement area plan of subdivision.

The 2019 Growth Plan has introduced new-found opportunity for lower tier municipalities to consider minor adjustments of the boundaries of rural settlement areas (including in this instance, the designated Ida Hamlet). The property is subject of an active DPOS and a related ZBLA Application which have been caught up in Provincial Planning Policies; the then 2017 Growth Plan and its associated two (2) map program initiatives.

The OPA Application is appropriate and would facilitate the finalization of the pending DPOS Application.

## **It is my Professional Opinion that the OPA and related ZBLA (and the pending DPOS Application) Applications are all:**

- Consistent with the policy directives of the 2020 PPS;
- In Conformity with the policy directives of the 2019 Growth Plan;
- In Keeping with the general purpose and intent of the policies and land use designations of the Township Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township Zoning By-law (2018 version); and
- Representative of Good Planning.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP