Recommendation

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as Part of Lot 5, Concession 10 in the Ennismore Ward be received for information; and

That By-law 2019-039, being a By-law to rezone certain lands situated in Part of Lot 5, Concession 10 in the Ennismore Ward from “Rural (RU) Zone” to “Rural Exception 573 (RU-573) Zone”, be brought forward to the by-law section of the agenda for consideration; and

That the Mayor and Clerk be authorized to sign any agreements related to Consent Application File No. B-30-18.

Information

Summary of Application

The Township has received a complete application for a Zoning By-law Amendment for the lands described as being Part of Lot 5, Concession 10 in the Ennismore Ward, municipally known as 1735 Morris Avenue.

The subject lands are designated Rural; and are zoned “Rural (RU)”. The proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “Rural Exception 573 (RU-573) Zone”. The Zoning By-law Amendment is a condition of consent to sever application B-30-18, which was imposed by the Township. Figure 1 illustrates the proposed severance of a 21 acre parcel from the farm situated at 1735 Morris Road. The severed parcel will then be merged with the adjacent property municipally known as 1707 Templetin Crescent. The zoning by-law amendment is related to the retained parcel and will recognize a minimum lot area of 8.5 hectares.
Figure 1: Proposed Severance & Lot Addition

It is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans and the Township Zoning By-law.

Response to Circulation of Notice

Dated March 19, 2019, the Township provided Notice of a Complete Application and a Public Meeting by prepaid first-class mail to any property owner(s) within a 120 metre radius of the subject lands. The prescribed Ministries and Agencies were provided notice via email and facsimile. The subject property was posted with a sign advertising the public meeting. The notice is available on the Township’s website. The notice circulation complies with the requirements of The Planning Act. The Township has received correspondence from:

Ministries/Agencies
- Enbridge Gas Inc. (March 27, 2019) – no objections
- Otonabee Region Conservation Authority (March 28, 2019) – no objections
Public
- Rick Rosatte via email dated March 27, 2019 – seeking clarification (staff response attached)
- Joe Reid via email dated March 27, 2019 – seeking clarification (staff response attached)
- Michael Drews via email dated April 1, 2019 – seeking clarification (staff response attached)
- Irene Dennis via email dated April 1, 2019 – seeking clarification (staff response attached)

No further responses have been received to date

Financial Impact

The recommendation in this report has no financial impact.

Strategic Plan Reference

Goal 3: Support a sustainable, balanced, and investment-ready community. Official Plan and Zoning By-law updates that support environmental and agricultural stewardship, housing diversity and economic investment.

Environmental Impact

The recommendation in this report has no environmental impact.

Attachment

- Draft Zoning By-law Amendment prepared by Township Planning Staff
- Agency & Public Comments

Jeannette Thompson
Prepared By: Jeannette Thompson, Planner

Robert Lamarre
Reviewed By: Robert Lamarre, Manager of Building & Planning

Janice Lavalley
Reviewed By: Janice Lavalley, CAO
Planning Analysis for  
Zoning By-law Amendment File No. C-05-19

The Development Proposal

The Township has received a zoning by-law amendment application for the lands described as Part of Lot 5, Concession 10 in the Ennismore Ward (Figure 2).

The subject lands are designated Rural; and are zoned “Rural (RU)”. The proposed Zoning By-Law Amendment related to the subject lands will change the zone category to “Rural Exception 573 (RU-573) Zone”. The Zoning By-law Amendment is condition of consent to sever application B-30-18 that was imposed by the Township. The intent of the severance application is to create a lot addition to 1707 Templetiny Crescent. The severance application B-30-18, severs a 21 acre parcel from the farm situated at 1735 Morris Road. The severed parcel is then to be merged with the adjacent property as noted above (1707 Templetiny Crescent). The zoning by-law amendment is related to the retained parcel and will recognize a minimum lot area of 8.5 hectares.

The properties are accessed via Morris Avenue.

Surrounding land uses include residential and rural / vacant lands.
The Provincial Policy Statement (PPS) 2014 as issued under the authority of Section 3 of The Planning Act came into effect on April 30, 2014. Further, Section 3 of The Planning Act requires that planning authorities “shall be consistent with” the PPS. The intent of the PPS is to provide direction on matters related to land use planning and development. Within the context of the proposal, certain provisions of the PPS are considered to have relevance.

Section 1 (Building Strong Communities) promotes efficient land use and development patterns in order to support strong, liveable, and healthy communities; and to protect the environment, public health and safety; and to facilitate economic growth.

Section 1.1.4 specifically addresses Rural Areas within municipalities. This section indicates that rural areas are important to the economic success of the Province and our quality of life. This section of the PPS also ensures that new development is appropriate for the planned or available infrastructure. As the residential lot can be sustained by existing service levels, including private well and septic, I believe that the proposal is considered to be consistent with the PPS. The severance to allow for a lot addition together with the zoning by-law amendment which will address lot area deficiency can be considered consistent with the directives of the PPS, 2014.
Places To Grow – Growth Plan for the Greater Golden Horseshoe, 2017

The Places to Grow Act, 2005 (Bill 136), which received Royal Assent on June 13, 2005; promotes the use of growth plans to ensure that growth occurs throughout the Province in a positive manner. The Growth Plan for the Greater Golden Horseshoe (2017) came into effect on July 1, 2017.

The legislation is centered on the idea of building sustainable communities while making use of existing infrastructure. It also sets out to ensure that long term visions and goals guide decision-making, in order to maintain healthy and sustainable future growth opportunities.

The Growth Plan directs development to recognized ‘settlement areas’. Development outside of ‘settlement areas’, may be permitted in accordance with Section 2.2.9 which indicates that development in rural areas should be related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas provided that they are compatible with the rural landscape and surrounding local uses, can be sustained by rural service levels and will not adversely impact the protection of agricultural uses and other resource-based uses. I am of the opinion that the proposal is consistent with the directives of the Growth Plan.

County of Peterborough Official Plan

In the County Official Plan, the subject property is identified as “Rural and the Cultural Landscape”. The goal of this designation is “to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry”. The proposal does not detract from this goal.

Township of Selwyn Official Plan

Official Plan Amendment No. 3 received Ministerial consent on October 22, 2008. The amendment functions as the lower tier Official Plan for the Township. Section 6.0 (Local Plan Policies) provides detailed strategies, policies and land use designations for planning and development at the local municipal level.

Schedule A1 (Land Use Plan – Rural Component) of the Official Plan, designates the subject lands Rural (refer to Figure 4). Sections 6.2.2 of the Official Plan outlines policies within the Rural designation. The use of lands within this designation includes residential uses in the form of single detached dwellings and agricultural type uses. I am of the opinion that the intent of the Official Plan is maintained.
Figure 4: Excerpt from County of Peterborough Official Plan, 2008

Township of Selwyn Comprehensive Zoning By-law No. 2009-021

According to Schedule ‘A’-Map 1, the subject lands are zoned “Rural (RU)” (refer to Figure 5). As previously noted, the Township imposed a condition of the provisional consent that obligates the applicant to rezone the subject lands in order to provide address the lot area deficiency of the retained lot. The draft by-law has been attached for your review.

Figure 5: Excerpt from Zoning By-law 2009-021
Conclusion

The proposed Zoning By-Law Amendment related to the subject lands will change the zone category from “Rural (RU)” to “Rural Exception 573 (RU-573) Zone”. The Zoning By-law Amendment is a condition of consent to sever application B-30-18 that was imposed by the Township. The intent of the severance application is to create a lot addition to an existing rural property. The purpose of the zoning by-law amendment is to change the zone category in order to address a lot area deficiency of the retained lot.

In conclusion, it is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans; and represents good planning. Staff therefore recommends that Council forward draft By-law No. 2019-039 to the By-law section of the agenda for consideration.

Jeannette Thompson

Jeannette Thompson, B.Sc., MCIP, RPP
Planner