



Planning Justification Report

In support of an Official Plan Amendment

Seaforth Crescent, Lakefield, Township of Selwyn

Prepared for: Triple T Holdings Inc.

EcoVue Reference No.: 22-2380

Date: April 25, 2022

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1.0 BACKGROUND

This Report is being submitted in support of an application for an Official Plan Amendment (OPA) on lands known as Part 1 of Plan 45R-9554, in Part of Lot 26, Concession 7, Geographic Township of Smith, Township of Selwyn, County of Peterborough. The property is approximately 61.63 hectares (152.30 acres), with approximately 351.02 metres of frontage on County Road 29 (Lakefield Road), 58.34 metres of frontage on Seaforth Crescent and 393.38 metres of frontage on Tower Road. The portion of the property subject to this application is approximately 2.14 hectares (5.28 acres) with 54.34 metres of frontage on Seaforth Crescent and 128.76 metres of frontage on County Road 29. The applicant is proposing to create four (4) new lots, plus one (1) retained lot, through consent.

An amendment to the County of Peterborough Official Plan (CPOP) is required to permit the severances as the subject property has exceeded the maximum number of severances (2) permitted in Section 7.12 of the CPOP. This Report will examine the proposed amendment in the context of the applicable land use planning policies.

1.1 Description of the Subject Property

The subject property is located at the western end of the Lakefield Settlement Area in the Township of Selwyn. The subject property fronts onto Lakefield Road (County Road 29) and Seaforth Crescent, a short local road that terminates in a cul-de-sac at the north end of the property. The property is currently vacant, and contains open meadows, cedar forests, and wetland features. The wooded areas and wetlands are located in close proximity to Ray's Creek, a watercourse that traverses the eastern and southern portions of the property.

The area of the property subject to the proposed OPA and severances is located west of Ray's Creek, within upland areas adjacent to existing residential development on Lakefield Road and Seaforth Crescent. The area of the property east of Ray's Creek is part of a proposed plan of subdivision application under Section 51 of the *Planning Act*, that is currently in review with the Township of Selwyn and County of Peterborough.

1.2 Description of the Proposal and Reasons for Amendment

The applicants are proposing to sever four (4) lots from the western portion of the subject property with access from Seaforth Crescent and Lakefield Road. Each lot will be serviced with private well and septic. A description of each proposed lot is as follows:

- **Lot A** will be approximately 0.4 hectares with 64.4 metres of frontage on the east side of Lakefield Road. The proposed infill lot will be created between existing residential lots to the north (3220 Lakefield Road) and south (3188 Lakefield Road);
- **Lot B** will be approximately 0.4 hectares with 64.3 metres of frontage on the east side of Lakefield Road. The proposed infill lot will be created between existing residential lots to the north (3220 Lakefield Road) and south (3188 Lakefield Road);
- **Lot C** will be approximately 0.3 hectares with 38.2 metres of frontage on the east side of Seaforth Crescent. The proposed infill lot will be created between existing residential lots to the north (1275 Seaforth Crescent) and south (1285 Seaforth Crescent); and
- **Lot D** will be approximately 1.1 hectares with 16.1 metres of frontage on the Seaforth Crescent cul-de-sac. The proposed lot will be created adjacent to existing residential lots to the north (1268 Seaforth Crescent).

The retained lands will be approximately 60 hectares and will continue to have frontage on portions of Seaforth Crescent (4.0 metres at the cul-de-sac), Lakefield Road (7.61 metres to the southwest of Lot D and 55.98 metres south of Lots A and B), and Tower Road (393.38 metres to the northwest of Lot C and D). The remaining frontage on Seaforth will provide pedestrian access to the existing trail network on the retained lands that will continue to be used as part of the open space/recreational areas within the proposed Lakefield South plan of subdivision.

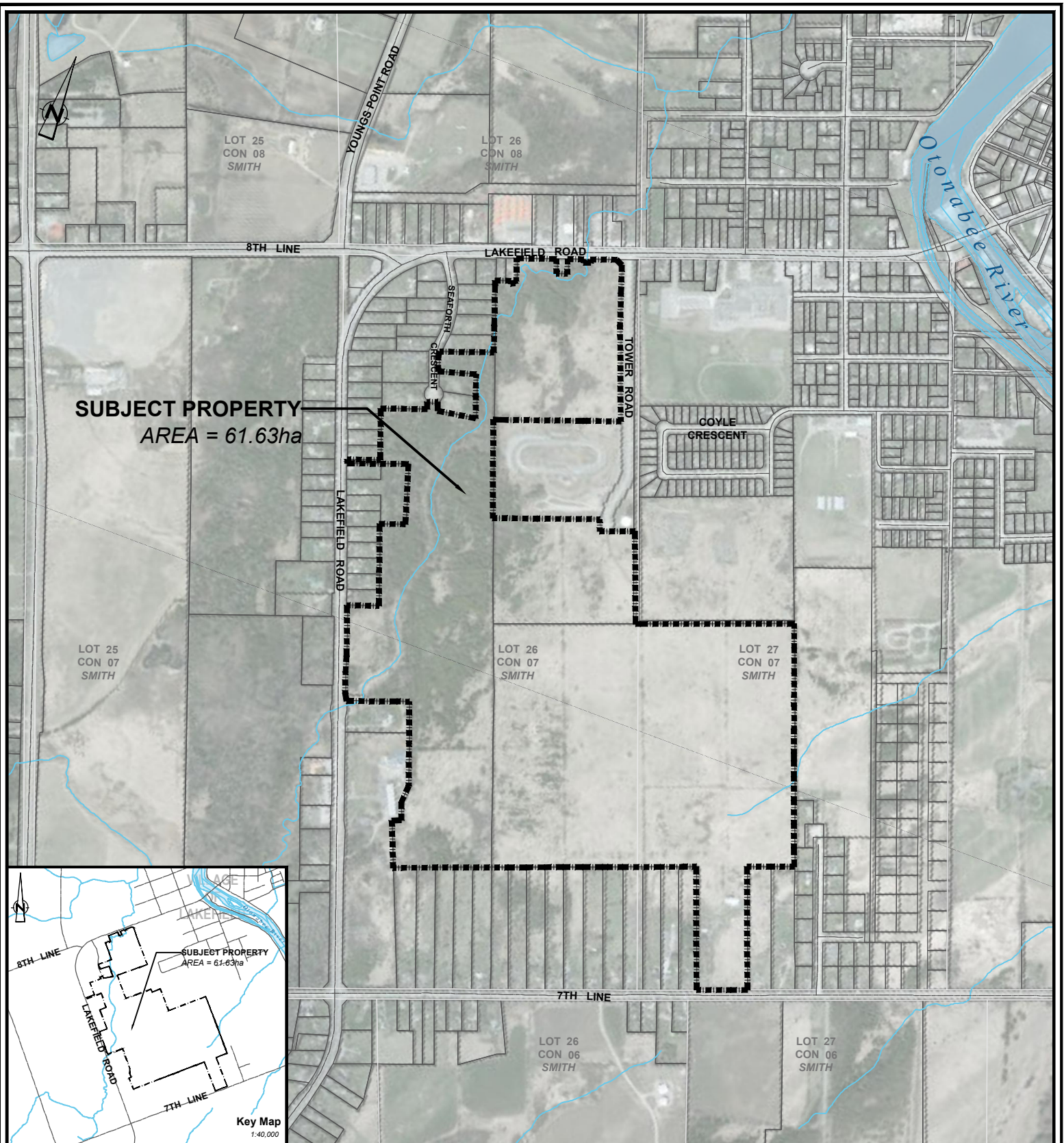


FIGURE 1 - SITE LOCATION

SEAFOORTH CONSENT TRIPLE T HOLDINGS

PART OF LOTS 26 AND 27, CONCESSION 7
GEOG. TWP. OF SMITH
TOWNSHIP OF SELWYN
COUNTY OF PETERBOROUGH

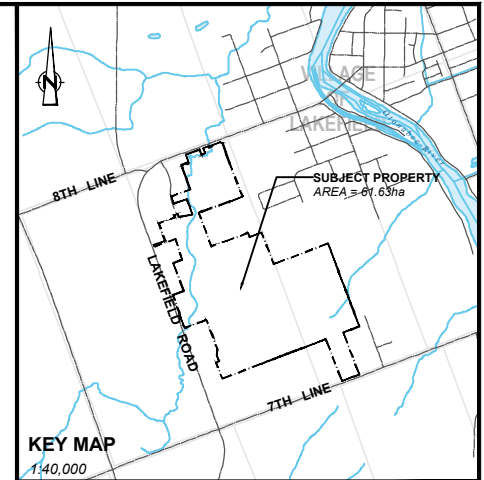
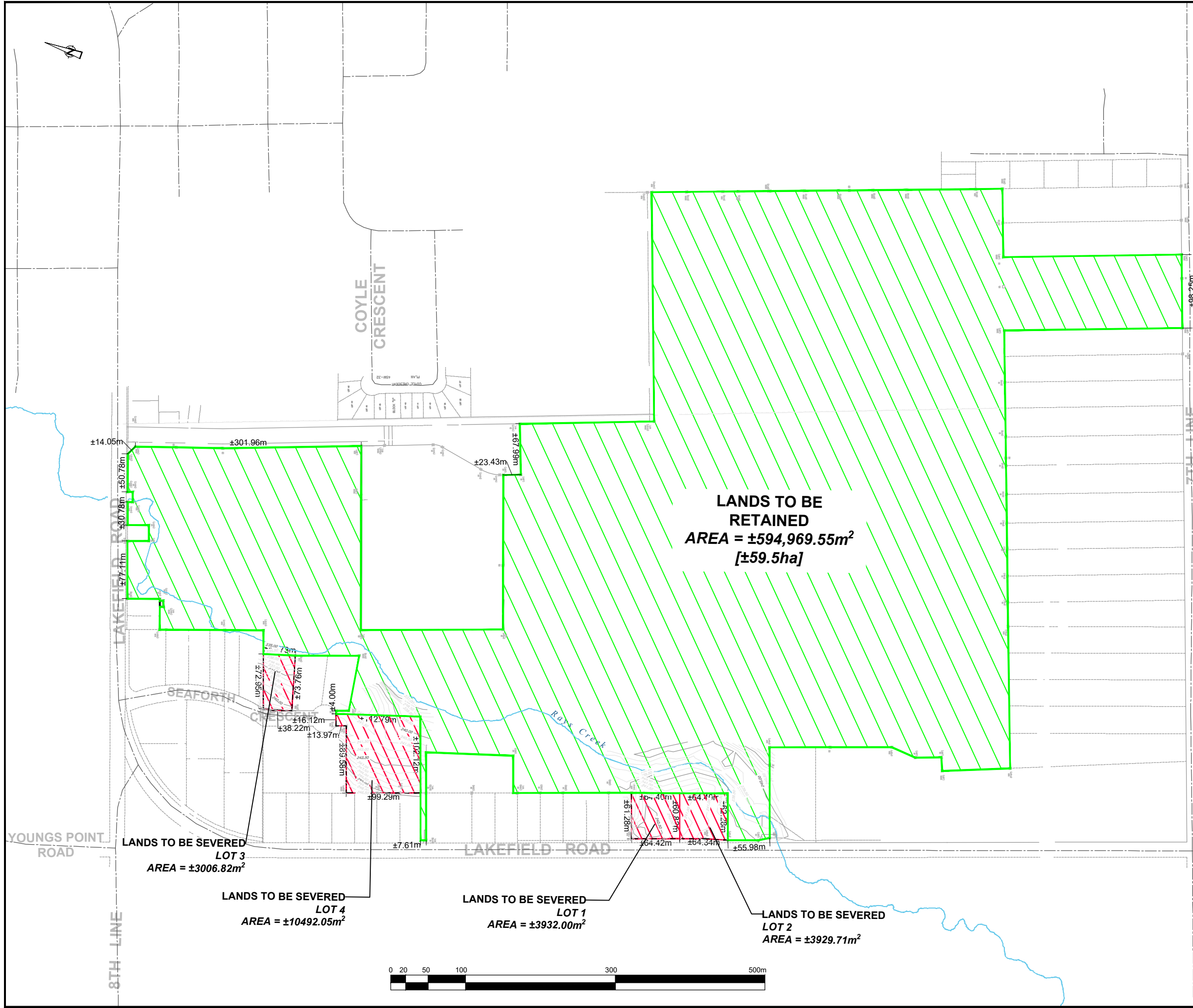


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PROJECT NO: 21-2102

DATE: MARCH 31, 2022

HORIZ. SCALE: 1:10,000




LEGEND

- LANDS TO BE RETAINED
- LANDS TO BE SEVERED

NOTES:

1. PROPERTY BOUNDARIES DERIVED FROM PLAN OF SURVEY PREPARED BY JBF SURVEYORS, AUGUST 2020.



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DRAWN BY:	MC	PROJECT No.:	22-2316
APPROVED BY:		HORIZ. SCALE:	1:5000
REVISION DATE:	APRIL 06, 2022	PLOT DATE:	APRIL 06, 2022
SEAFORTH CONSENT TRIPLE T HOLDINGS PART OF LOTS 26 AND 27, CONCESSION 7 GEOG. TWP. OF SMITH TOWNSHIP OF SELWYN COUNTY OF PETERBOROUGH			
CONSENT SKETCH			CS1

1.3 Pre-Consultation with the County of Peterborough

A pre-consultation meeting was held with the County of Peterborough, Township of Selwyn, and the applicant (with consultants) on September 3, 2019. At the time, the applicant was proposing a total of seven (7) severed lots, rather than the currently proposed four (4) severed lots. As stated in the pre-consultation comments, an Official Plan Amendment (OPA) is required to proceed with the proposed development, and following studies and documentation are required in support of the application:

1) Planning Justification Report

2) Environmental Impact Assessment – An Environmental Impact Assessment (EIA) was completed in support of the previously submitted Plan of Subdivision and Zoning By-law amendment applications. This EIA examined all of the lands subject to the proposed subdivision, including the subject property and the portions to be severed. The EIA provides a summary of all of the features identified on the site, which includes several unevaluated wetlands and significant woodland communities. The EIA also provides recommendations for developing the site, including (but not limited to) providing 30 metre setbacks from identified features, retaining natural vegetation where possible, and limiting tree cutting as much as possible. Provided the recommended setbacks and other mitigative measures are implemented, the EIA concludes that there will be no negative impacts to the natural heritage features on the site.

3) Hydrogeological Assessment – A hydrogeological Assessment was undertaken by Cambium Inc. on the subject property and has been included with this submission.

4) Archaeological Assessment (Stage 1 and 2) – Similar to the above, a Stage 1 and 2 Archaeological Assessment was prepared for the neighbouring property. The Assessment determined that the property does not contain cultural heritage value or interest and that no further archaeological work is required. However, if any artifacts are uncovered during any site alteration on the site, the appropriate contacts will be made.

It is our understanding that the reduction in the number of proposed lots does not impact the requirement for the above-noted studies.

2.0 POLICY CONSIDERATIONS

Land use planning policies affecting the subject property include, at the Provincial level, the Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and at the municipal level, the County of Peterborough Official Plan (CPOP) and the Township of Selwyn Zoning By-Law No. 2009-021 (TSZBL).

2.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides a policy framework for land use planning within the Province of Ontario. It is the responsibility of the local planning authorities, in this case the County of Peterborough and Township of Selwyn, to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interest including policies related to settlement areas in urban and rural communities, the wise use and management of resources and public health and safety.

2.1.1 Settlement Areas

The subject lands are located within the boundary of the Village of Lakefield settlement area and are therefore subject to the Settlement Area policies (Section 1.1.3) in the PPS. Specifically, Section 1.1.3.1 states that *“settlement areas shall be the focus of growth and development”* and Section 1.1.3.2 which states *“land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion”*. Further in Section 1.1.3.3, it is stated that *“[p]lanning authorities shall identify appropriate locations and promote opportunities for... [a] range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas...”*.

The proposed OPA will allow for the creation of four (4) new lots for residential uses within an established settlement area. The proposed residential lots will blend with size and the character of the surrounding land uses. Furthermore, the proposed severances represent an efficient use of land by making use of underutilized portion of the subject property and does not result in the unjustified or uneconomical expansion of infrastructures of public service facilities. The proposed lots are also represent appropriate infilling within an existing built-up area.

Therefore, the proposal is consistent with Section 1.1.3 of the PPS.

2.1.2 Housing

Section 1.4 of the PPS consists of policies regarding housing and meeting the projected requirements of current and future residents by providing appropriate range and density of housing options.

Section 1.4.3 states that “[p]lanning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; and

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities...”

As noted, the proposed severances will make use of the underutilized portion of the subject property to create new residential lots that will provide additional housing stock within the Village of Lakefield. Furthermore, the proposed development can be considered infilling and intensification as the lots will round out the existing strip of residential development on both Seaforth Crescent and Lakefield Road.

Municipal sewer and water services are not available within this portion of the Village. As such, the proposed severed lots will be serviced via private well and septic. Although housing is generally directed to areas with municipal servicing, Section 1.6.6 (Infrastructure and Public Service Facilities – Sewage,

Water and Stormwater) provides flexibility for servicing in instances of infilling and minor rounding out. This section of the PPS is discussed further, below.

Therefore, it is our opinion that the proposal is consistent with Section 1.4 of the PPS.

2.1.3 Sewage, Water and Stormwater

Section 1.6.6.2 of the PPS states:

[m]unicipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

However, Section 1.6.6.4 goes on to say that:

[w]here municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

As stated above, the proposed severances are not located in an area where municipal servicing is available. Instead, the proposed severed lots will be serviced via individual private well and septic. In this instance, the proposed severed lots represent infilling and minor rounding out of existing development on both Seaforth Crescent and Lakefield Road. As seen in **Figure 2**, the proposed lots have been located in areas between or adjacent to existing residential development. Furthermore, the proposed lots will round out the portions of land between the existing residential development and adjacent natural heritage features/natural hazards and their associated buffers.

In support of private servicing, a Hydrogeological Report was prepared by Cambium Inc. which determined if the proposed lots can support private well and septic servicing. In summary, the

Hydrogeological Report assessed site characteristics such as surface soils, nitrate attenuation calculations, as well as establishing three (3) wells across the subject lands for hydraulic testing.

The Hydrogeological Report concludes that, through the implementation of the stated mitigation measures, which include standard filtering and treatment systems, adequate an adequate water supply can be provided to each proposed dwelling unit with no potential impacts to the aquifer, existing wells, or surrounding land uses.

Therefore, it is our opinion that proposed lots can be adequately serviced with private septic and well in a manner that is consistent with Section 1.6.6 of the PPS.

Section 1.6.6.7 further requires stormwater management to:

- “a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

It is our opinion that the proposed infill lots will not create any issues related to stormwater runoff on, or adjacent to the site. During the pre-consultation, the County staff noted that a Stormwater Management brief would not be required.

Therefore, the proposed development is consistent with Section 1.6.6 of the PPS.

2.1.4 Natural Heritage

The subject property contains a portion of Rays Creek, and is therefore subject to the Natural Heritage policies of the PPS, which are in Section 2.1. Policies within this Section state (non-applicable policies have been omitted):

- Section 2.1.5 d) states that development and site alteration shall not be permitted in significant wildlife habitat;
- Sections 2.1.6 and 2.1.7 state that development and site alteration shall not be permitted within fish habitat (2.1.6) or habitat of endangered species and threatened species (2.1.7), *“except in accordance with provincial and federal requirements”*; and
- Section 2.1.8 states that development and site alteration shall not be permitted on lands adjacent to *“natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6”* unless it has been demonstrated that there will be no negative impacts to the natural heritage features or their ecological function.

As stated in Section 1.3 of this Report, an Environmental Impact Assessment (EIA) was prepared and submitted to the County of Peterborough in support of the neighbouring Plan of Subdivision. The EIA evaluated all potential impacts that could be created from the proposed development, and provided detailed mitigation measures to be imposed, pre- and post-development, as well as throughout the construction phases. The EIA concluded that there would be no negative impacts on any of the present natural features or their adjacent lands.

It is our opinion that the recommendations listed by Cambium Inc. can be implemented through a mitigation measures agreement (or similar condition) that can be included as a condition of the consent approval.

Therefore, it is our opinion that the proposed OPA is consistent with Section 2.1 of the PPS.

2.1.5 Cultural Heritage and Archaeology

Section 2.6.2 of the PPS states that *“[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved”*.

As noted, a Stage 1 and 2 Archaeological Assessment (May 2021) was undertaken determined that the site does not contain any archaeological resources, or cultural heritage value or interest. Therefore, it is our opinion that the proposed OPA is consistent with Section 2.6 of the PPS.

2.1.6 Natural Hazards

Section 3.1 of the PPS addresses development that occurs within natural and human-made hazards. Section 3.1.1 b) states “[d]evelopment shall generally be directed to areas outside of:

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) hazardous sites”.*

The subject property contains a portion of Rays Creek and associated floodplain, which has the potential to contain unstable soils. The EIA contains mitigation measures, such as precluding development within the 30-metre setback of Rays Creek, therefore limiting any hazards created from these features. Therefore, the proposed severances are consistent with Section 3.1 of the PPS.

Based on the above, it is our opinion that the proposed consents are consistent with the policies of the 2020 PPS.

2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The County of Peterborough is subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), prepared under the *Places to Grow Act*, 2005. The Growth Plan is intended to guide decisions in the Greater Golden Horseshoe Region respecting transportation, infrastructure planning, land use planning, housing, natural heritage and resource protection. Although the PPS provides overall policy direction on matters of Provincial interest related to land use and development, the Growth Plan prevails where there is a conflict with two exceptions: natural environment and human health.

2.2.1 Policies for Where and How to Grow

As mentioned, the subject property is located within the delineated settlement area of Lakefield. Section 2.2.1.2 1b) of the Growth Plan states that “*growth will be limited in settlement areas that: have a*

delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities". The subject property is located within the Village of Lakefield settlement area. Due to the lack of municipal infrastructure present in the areas where the lots are being proposed, the severed lots are proposed to be serviced via private individual septic and well. As discussed in the Hydrogeological Report, there are no negative impacts anticipated from the use of private services on each of the proposed lots. Furthermore, the proposed severance will create four (4) additional residential infill lots, which contribute to the settlement area becoming a more complete community.

Therefore, the proposed development conforms to Section 2.2.1.2 of the Growth Plan.

2.2.2 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

As stated above, the subject property contains and is in close proximity to a number of key natural heritage or key hydrologic features, and therefore is subject to Section 4.2.2 or 4.2.3 of the Growth Plan.

However, according to Section 4.2.2.1, "[t]he Natural Heritage System mapping will exclude lands within settlement area boundaries that were approved and in effect as of July 1, 2017". Since the subject property is located within the delineated rural settlement area boundary of Lakefield, the policies relating to the Natural Heritage System do not apply.

Therefore, it is our opinion that the proposed OPA in order to permit additional severances conforms to the policies contained in A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

2.3 Municipal Planning Documents

In addition to demonstrating consistency with provincial planning policies, it is necessary that the proposal conform to the policies and provisions of upper and lower tier municipal planning documents. The County of Peterborough Official Plan is the primary upper tier land use planning policy document. Furthermore, the County of Peterborough Official Plan also contains a section (Local Plan Policies) that contains local land use planning policies for the Township of Selwyn. This section takes the place of a separate, local Official Plan.

2.3.1 County of Peterborough Official Plan

Sections 1-5 of the County of Peterborough Official Plan (CPOP) does not contain land use designations. Instead, Section 4 of the CPOP identifies “Watershed Strategic Components”, which includes policies related to the Settlement Areas. Most of Section 4.2 (Settlement Areas) provides directives to local municipalities and is not directly related to the proposed application. However, there are several policies that must be considered in the context of the proposed development, particularly, Sections 2.6 (Consents), 4.2 (Settlement Areas) and 5.1 (Housing).

2.3.1.1 Settlement Areas

Section 4.2.3 states that “[t]he Council recognizes that in order to efficiently utilize existing and potential services and facilities; achieve minimum population thresholds to support commercial activities; and protect and conserve natural resources and features, future growth should be directed to those settlement areas that currently have servicing systems or can reasonably expect to obtain them in the future”. However, this Section goes on to say that “[w]here the use of public communal services is not feasible, and where site conditions permit, development may be serviced by individual on-site systems”.

As noted, although the Village of Lakefield has a municipal water and sanitary system, the proposed severed lots are not located in close proximity to the existing system and therefore will be required to be serviced with private septic and well. As summarized in the Hydrogeological Report prepared by Cambium Inc., each of the proposed lots can adequately accommodate private individual servicing (well and septic), without negatively impacting surrounding uses.

Therefore, the proposed OPA in order to permit additional severances conforms to Section 4.2 of the CPOP.

2.3.1.2 Division of Land

Section 2.6.3.1 contains several general policies related to the divisions of land that are applicable to the proposed development. There are as follows:

A plan of subdivision under the Planning Act is necessary when any of the following occur: 1) more than 3 lots (two severed and one retained) from a land holding are being created unless the

local Official Plan contains policies regarding the number of lots required for a plan of subdivision or adequate land use planning justification and rationale are provided to permit otherwise. [...]

A plan of subdivision may not be required under the following circumstances: A) notwithstanding Section 1) above, infilling of up to 4 lots (4 new lots plus the retained lot) having frontage on a public road in areas serviced municipally by water and sanitary sewer systems

The County of Peterborough confirmed at the pre-consultation meeting that a plan of subdivision was not required, and that the creation of four (4) lots by consent would be appropriate.

The division of land by severance shall be in compliance with the provisions of any site plan, subdivision or any other development agreement registered against the title of the land holding.

The proposed severances will be in compliance with the provisions of any agreement registered against the title of the land holding.

In planning for sanitary sewage and water systems to accommodate the division of land, the County shall support a hierarchical approach to the provision of such services in accordance with Section 4.7.3.2 of this Plan.

The proposed severed lots will each utilize a private individual well and septic system, which is in keeping with the hierarchical approach provided for in Section 4.7.3.2.

2.3.1.3 Housing

Section 5.1 of the CPOP speaks to housing and aims to provide opportunities for a range of housing by type and density to be built throughout the County to respond to the varying needs of the permanent population.

Section 5.1.3.2 states that “[t]he County shall encourage local municipalities to permit residential intensification developments where servicing, the physical potential of the building stock, and the physical potential of the site(s), are deemed appropriate and suitable for intensification”.

The proposed OPA will result in four (4) new residential infill lots, which are a form of appropriate residential intensification within a settlement area. Servicing will be provided via private, on-site individual servicing, which is discussed throughout this Report. Furthermore, the proposed severed lots will be in

keeping with the character of the surrounding land uses, which are primarily comprised of existing single detached dwellings.

Therefore, the proposed development conforms to Section 5.1.3.2 of the CPOP.

2.3.2 County of Peterborough Official Plan – Local Component (Selwyn)

Sections 6.0 and 7.0 of the CPOP speak to Local Plan Policies that are directly applicable to the Townships of Selwyn, Douro-Dummer, Selwyn, and North Kawartha. The Local Plan Policies take the place of a separate, local Official Plan for each of the aforementioned municipalities. The Local Plan Policies include land use designations and general development policies.

The subject property is designated Low Density – Residential, Site Specific Policy Area and Environmental Constraint Area according to Schedule “A1-1” (Land Use Plan- Urban Component Village of Lakefield) to the CPOP (see **Figure 3 – County of Peterborough Official Plan Schedule A1-1**). Therefore, Sections 6.3.3.2, 6.3.3.7, and 6.2.15.4 a) of the CPOP is applicable. An analysis of each of the relevant subsections is provided below.

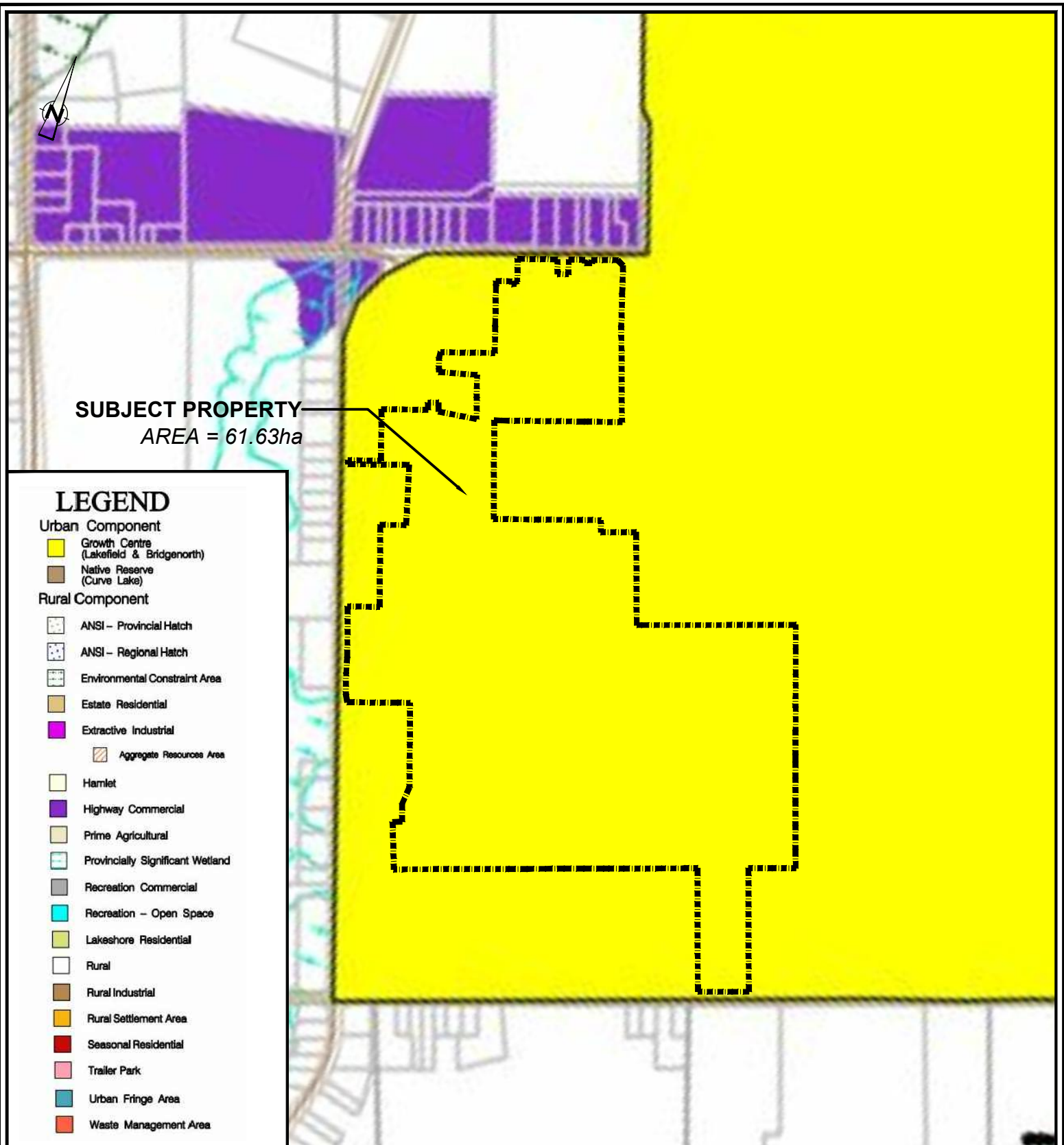
2.3.2.1 Low Density – Residential Policies

Policies relating to the Low Density – Residential designation are contained in Section 6.3.3.2 of the CPOP. This Section states (with non-applicable sections omitted):

- a) *“[t]he predominant use of land within the Low Density Residential Area designation shall be for low density residential development. Permitted uses shall include single-detached [...] which are complementary to and compatible with the basic residential function of the area.”*

All proposed lots will each contain one (1) single detached residential dwelling, which is in keeping with the use and character of the surrounding area.

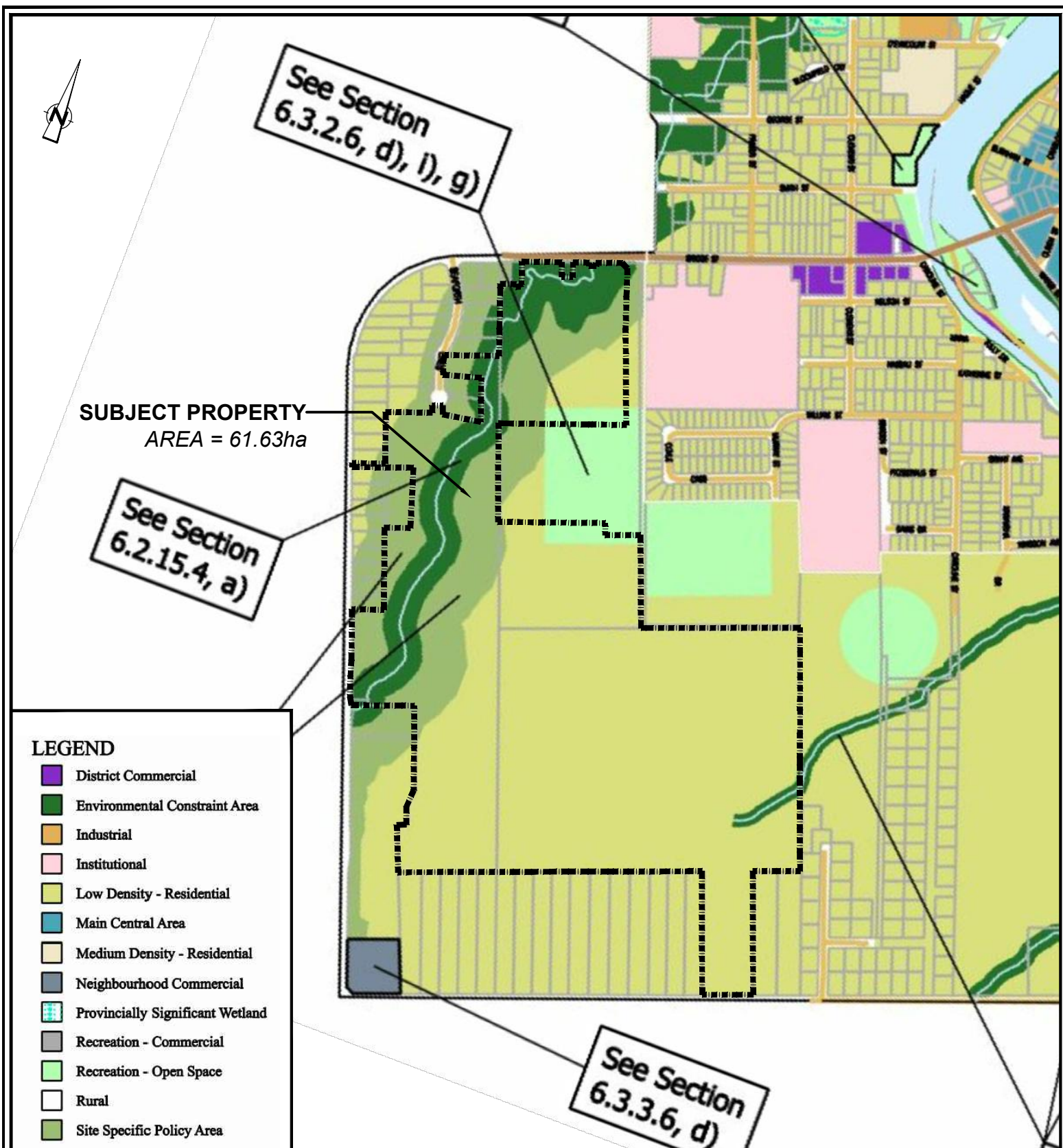
Based on the above, it is our opinion that the proposed OPA to permit additional severances conforms to Section 6.3.3.2 of the CPOP.



**FIGURE 3 - COUNTY OF PETERBOROUGH OFFICIAL PLAN
 SCHEDULE "A1"**

**LAND USE PLAN -RURAL COMPONENT
 SMITH &ENNISMORE WARDS
 SEAFORTH CONSENT**

TRIPLE T HOLDINGS
 PART OF LOTS 26 AND 27, CONCESSION 7
 GEOG. TWP. OF SMITH
 TOWNSHIP OF SELWYN
 COUNTY OF PETERBOROUGH



**FIGURE 4 - COUNTY OF PETERBOROUGH OFFICIAL PLAN
SCHEDULE "A1-1"**

**LAND USE PLAN - URBAN COMPONENT
VILLAGE OF LAKEFIELD
SEAFORTH CONSENT**

TRIPLE T HOLDINGS
PART OF LOTS 26 AND 27, CONCESSION 7
GEOG. TWP. OF SMITH
TOWNSHIP OF SELWYN
COUNTY OF PETERBOROUGH



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DATE: MARCH 31, 2022

HORIZ. SCALE: 1:10,000

2.3.2.1 Site Specific Special Policy Area for Lakefield South Development Area Policies

A majority of the lands dedicated to the proposed severed lots are located within the Site Specific Policy Area for Lakefield South Development Area. Policies related to these lands are contained in Section 6.3.3.7 of the CPOP, where it is stated that, due to increased development within the Township of Selwyn, municipal staff, in consultation with Otonabee Region Conservation Authority (ORCA), delineated the lands and prepared a subwatershed study prior to permitting additional development.

In summary, this Section requires any development within the area to first undertake an Environmental Impact Study/Assessment in favour of the proposed development, ensuring no negative impact on the subwatershed. Specifically, Section 6.3.3.7 f) states that *"[t]he extension of uses permitted within the adjacent land use designation to the Site Specific Special Policy Area, shall be permitted where an Environmental Impact Study has determined that there will be no negative impact on the natural heritage features or on the ecological function for which the area is identified, to the satisfaction of the Township, the Conservation Authority, the Ministry of Natural Resources if applicable and the County."*

A summary of the Environmental Impact Assessment (EIA) undertaken by Niblett Environmental Associates is provided in Section 2.1.4 of this Report. The EIA concluded that, through the implementation of the included mitigation measures, any potential impacts from development adjacent to the natural heritage features on the site can be adequately mitigated. Furthermore, the proposed lots are located within an area that is located outside of the existing features and proposed setbacks.

As such, the proposed OPA conforms to the policies of Section 6.3.3.7 of the CPOP.

2.3.2.2 Environmental Constraint Policies

As mentioned, the property contains a portion of the Rays Creek watercourse, subjecting it to policy compliance with Section 6.2.15.3 of the CPOP. This Section states (with non-applicable sections omitted):

- a) *[t]he erection of buildings and structures or the placing or removal of fill of any kind whether originating on the site or elsewhere, shall be prohibited except where buildings or structures are intended for flood or erosion control, landscape stabilization or essential utilities.*

Any proposed structure will be located outside of the Environmental Constraint designation.

- b) The boundaries of the Environmental Constraint Areas designation are conceptually delineated. The extent and exact location of the boundaries of the Environmental Constraint Areas shall be delineated in the implementing Zoning By-law in accordance with detailed floodline mapping in consultation with the Otonabee Region Conservation Authority and the Ministry of Natural Resources [...]Minor alterations to the boundaries of the Environmental Constraint Areas designation resulting from more detailed mapping, which are implemented in the Zoning By-law, shall not require an amendment to this Plan provided the general intent of the Plan is maintained.”*

All buildings and structures will be located outside of both lands designated Environmental Constraint. It is anticipated that a future Zoning By-law amendment (ZBA) will be undertaken to reflect the accurate boundaries of the floodplain.

- d) Where new development is proposed on a site, part of which has physical or environmental hazards, then the Environmental Constraint lands shall not necessarily be acceptable as part of the five percent dedication for parkland under The Planning Act as amended.*

We have not included the Environmental Constraint area in the parkland dedication, as required by The Planning Act.

- k) When areas designated Environmental Constraint are deemed not hazardous or environmentally sensitive by the Conservation Authority and/or the authority having jurisdiction, development may be permitted consistent with the adjacent land use designation, subject to an amendment to the Zoning By-law.*

All proposed lots will be located within the Residential designation, which is adjacent to the Environmental Constraint designation on the subject lands.

Based on the above, it is our opinion that the proposed OPA to permit the proposed severances conforms to Section 6.2.15.3 of the CPOP.

2.3.2.3 Environmental Constraint – Site Specific Policy Area Policies

Lot D will contain a small portion of the property designated Environmental Constraint – Site Specific Policy Area, and is therefore subject to policies contained in Section 6.2.15.4 a) of the CPOP.

The goal of the designation is to protect and enhance the valuable natural features present within the delineated lands, with specific focus on wetland and watercourse protection, fish habitat, and habitat for endangered and threatened species. This Section further subjects the proposed OPA to the Ray's Creek Linkage Wetland policies and the Lakefield South -South Tributary Wetland policies.

The Ray's Creek Linkage Wetland policies state:

"The Lakefield South Development Area Opportunities and Constraints Study, dated November 2002, prepared by Otonabee Region Conservation Authority, identified a linkage wetland along Ray's Creek connecting the Provincially Significant Lakefield Marsh to the north and the Provincially Significant Lakefield South Wetland Complex to the south west. Lands within 120 metres of the Ray's Creek Linkage Wetland have been designated as Site Specific Special Policy Area (Lakefield). The policies of Section 6.3.3.7 apply herein"

The proposals compliance with Section 6.3.3.7 of the CPOP was summarized above, in Section 2.3.2.2 of this Report.

The Lakefield South-South Tributary Wetland policies go on to state:

"The Lakefield South Development Area Opportunities and Constraints Study, dated November 2002, prepared by Otonabee Region Conservation Authority, identified a wetland at the mouth of the unnamed south tributary at the confluence of the Otonabee River. The policies of Section 6.2.15 shall apply."

Conformity with Section 6.2.15 has been discussed throughout this section of the report.

Therefore, it is our opinion that the proposed OPA conforms to Section 6.2.15.4 of the CPOP.

2.3.2.4 Water Supply and Sanitary Sewage Disposal

Section 7.4 of the CPOP speaks to water servicing and sewage disposal. Section 7.4.1 states that "[f]irst consideration shall be given to higher forms of servicing including full municipal or communal servicing for all development. Where not feasible, consideration will be given to private well and septic systems." The subject property is not located in close proximity to the Lakefield municipal servicing system. As discussed in the Hydrogeological Study and throughout this Report, the proposed lots can all adequately

contain private individual well and septic systems without negatively impacting surrounding lands or servicing.

Therefore, the proposed severance conforms to Section 7.4 of the CPOP.

2.3.2.5 Consent Policies

As the proposed severances will occur through the process of consent to sever, Section 7.12 of the CPOP is applicable. Section 7.12 outlines considerations that the County “*shall have regard for*” when determining the merits of a consent application. An analysis of those considerations is provided below (with non-applicable sections omitted):

7.12.1 Except for the enlargement of an existing lot, creation of a right-of-way or easement and the validation/correction of title, or as otherwise stated in this plan including the policies of 2.6.3.1, a consent shall only be granted where the proposed lot fronts upon an improved public street or road, which is maintained year-round, and which is of a reasonable standard of construction. The County, when considering an application for consent, may request a report from the appropriate road authority. Direct access from major roads should be restricted, and residential lots should, where possible, have access only from internal or minor roads.

The subject severances will create four (4) new lots – two (2) that will front on Lakefield Road, and two (2) that will front on Seaforth Crescent. Both of these roads are municipally maintained year-round.

7.12.3 The proposed consent shall not jeopardize any future plans for a comprehensive residential development of the surrounding area

The balance of the lands not subject to the proposed Official Plan Amendment are currently subject to an application for plan of subdivision. It is the intention of the applicant to separate these lands from the proposed plan of subdivision in order to provide for appropriate development on the west side of Ray's Creek. The creation of the four (4) proposed lots does not impede or preclude for development on the balance of the Lakefield South lands.

7.12.4 All residential consents shall conform to the appropriate regulations for residential uses established in the implementing Zoning By-law.

The proposed retained and severed lots conform to all the residential zoning regulations of the Township of Selwyn Zoning By-law.

7.12.6 A consent that facilitates infilling in an existing built-up area shall be encouraged.

The proposed severances are considered to be infilling within an existing built-up residential area.

7.12.8 Consideration shall be given to the compatibility of the proposed residential lot with adjacent land uses and traffic patterns.

Surrounding land uses are mainly residential. The proposed severances will intensify the residential uses within an existing residential neighbourhood and will not impact traffic patterns.

7.12.10 A consent shall only be granted where adequate services are presently available or where the Township, County or other Provincial Agency is able to provide the necessary services such as fire protection, school facilities and busing, police protection, and other services or utilities as required.

Given the location of the subject lands within the Village of Lakefield, all of the above-noted services can be adequately provided to the proposed lots.

7.12.14 In cases where the total number of consents from a lot proposed at one time or at separate times is greater than 2 in total, or if a proposed development will require internal public roads, the development shall proceed by plan of subdivision, in accordance with Section 7.13 of this Plan; and

7.12.16 [o]ne application for consent shall not create more than two lots; those being the severed and the retained lots. The lot to be severed shall be an existing lot of record that existed in Selwyn [as of] January 1, 1978

Sections 7.12.14 and 7.12.16 is the primary reason for the proposed OPA. Together, these policies limit the number of lots created after January 1, 1978 to two (2). As noted by the County of Peterborough in pre-consultation meeting, the property has been the subject of four (4) previous severances, all taking place after January 1, 1978 (municipal file numbers B-118-90, B-262-92, B-262-92, and B-66-93). Therefore, an OPA is required in order to permit further severances on the subject lands.

It is our opinion that an OPA to permit the severance on the subject property is appropriate. Firstly, the subject property is located within the Lakefield Settlement Area. The proposed severances represent infilling within the built boundary of the settlement area, which is consistent with, and conforms to all of the overarching provincial and local planning documents, as discussed herein. Although the proposed lots will be serviced with private well and septic, such private servicing arrangements are appropriate within a settlement area where municipal servicing is not readily available and such development constitutes infilling or minor rounding out. Furthermore, it is our opinion that the restrictions related to severing existing lots of record are generally intended to control severances within rural areas.

Therefore, the proposed severance and OPA conforms to Section 7.12 of the CPOP.

2.4 Township of Selwyn Comprehensive Zoning By-law

The subject property is zoned Development (D) according to Schedule “5” to the Township of Selwyn Comprehensive Zoning By-law No. 2009-21 (TSZBL).

According to Section 4.24.1.1 (Development Zone – Permitted Uses – Residential Uses), new residential uses are *“prohibited [...] except where a dwelling existed at the date of the passing of this By-law”*. The proposed severed parcels will be used for the purposes of a single detached dwelling, which is not permitted use in the D Zone. Instead, it is proposed that each of the proposed lots be rezoned to the Residential Type 1 (R1) Zone (and in some cases a site-specific R1-XX Zone), which permits a residential uses in the form of single detached dwelling.

Although the Zoning By-law Amendment applications for the OPA lands are intended to be submitted at a later date, this Section will address the proposed lots conformance with the proposed future zones.

The zoning regulations for the R1 Zone as they relate to both the severed and retained lots are provided in **Table 1** below.

Lot Regulation	R1 Zone Requirement	Lot A	Lot B	Lot C	Lot D
Minimum Lot Area	4,050 sq. m	0.39 hectares	0.39 hectares	0.30 hectares	1.1 hectares
Minimum Lot Frontage	45 m	64.4 m	64.3 m	38.2 m	16.1 m
Minimum Lot Depth	60 m	60.82 m	60.82 m	72.95 m	99.29 m
Maximum Lot Coverage	20%	< 20%	< 20%	< 20%	< 20%
Minimum Landscaped Open Space	30%	> 30%	> 30%	> 30%	> 30%
Maximum Number of Dwelling Units per Lot	1	1	1	1	1
Min. Front Yard Setback	7.5 m	> 7.5 m	> 7.5 m	> 7.5 m	> 7.5 m
Min. Side Yard Setback	5 m	> 5 m	> 5 m	> 5 m	> 5 m
Min. Exterior Side Yard Setback	5 m	N/A	N/A	N/A	N/A
Min. Rear Yard Setback	10 m	> 10 m	> 10 m	> 10 m	> 10 m
Maximum Height	10 m	< 10 m	< 10 m	< 10 m	< 10 m
Minimum Dwelling Unit Area	130 sq. m	> 130 sq. m	> 130 sq. m	> 130 sq. m	> 130 sq. m

As noted above, proposed Lots C and D will not meet the minimum required lot frontage, as well as proposed Lots A, B, and C not meeting the required lot area of the R1 Zone. Rationale for the proposed deficiencies has been included below.

2.4.1 Minimum Lot Frontage

Currently, the proposed Lots C (38.2 m) and D (16.1 m) do not meet the required minimum lot frontage of the R1 Zone (60 m). The intent of the minimum lot frontage provision is to ensure adequate access from the adjacent road and sufficient lot area for buildings and structures.

In this case, the proposed lots C and D will be located between existing residential lots on Seaforth Crescent. The proposed lot frontages of 38.2 and 16.1 metres, respectively, provides sufficient space for access. Additionally, the proposed frontages will be consistent with those frontages of the adjacent residential properties.

Therefore, it is our opinion that recognizing this existing lot dimension within a site-specific zone is appropriate.

2.4.2 Minimum Lot Area

The proposed Lots A (0.39 ha), B (0.39 ha), and C (0.3 ha) do not meet the minimum required lot area of the R1 Zone (0.405 ha). The intent of the minimum lot area provision is to ensure that there is adequate space to accommodate any proposed building or structure, as well as any required private servicing.

It is our opinion that a reduction in the required minimum lot area is appropriate as it has been demonstrated throughout this report that the lots are of a large enough size to comfortably accommodate private individual well and septic. Furthermore, the lots are of a similar size and shape to adjacent lots on Lakefield Road and Seaforth Crescent.

Therefore, the proposed OPA and corresponding severances will comply with the Township of Selwyn Zoning By-law, subject to a future Zoning By-law Amendment.



HORIZ. SCALE: 1:10,000

PART OF LOTS 26 AND 27, CONCESSION 7
GEOG. TWP. OF SMITH
TOWNSHIP OF SELWYN
COUNTY OF PETERBOROUGH

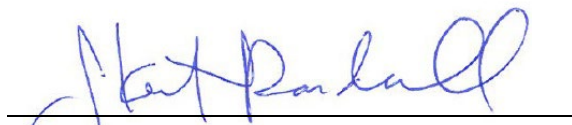
3.0 SUMMARY

The Planning Report describes the proposed Official Plan amendment (OPA) and severance and provides an analysis of the application in the context of the 2020 Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the County of Peterborough Official Plan and the Township of Selwyn Zoning By-law. It is the opinion of the undersigned that:

- The proposed OPA/severances are consistent with the applicable provisions of the 2020 PPS.
- The proposed OPA/severances conform to the applicable provisions of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).
- An Amendment to the County of Peterborough Official Plan will be required to permit the proposed severances as the limit for maximum number of severances on the subject property has been reached. This Planning Report sets out the details of the proposed Official Plan Amendment.
- The approval of the Official Plan Amendment will ensure that the severances meet the goals and objectives of the County of Peterborough Official Plan, as well as the policies of the PPS and Growth Plan.
- The proposed OPA/severances will require an amendment to the Township of Selwyn Zoning By-law (TSZBL). A future amendment will be provided at a later date and will be in keeping with the intent of the TSZBL.
- The proposed OPA/severance represents good planning and is in the public interest.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S. MCIP RPP
Principal Planner

