



Kevin M. Duguay
Community
Planning and
Consulting Inc.



Planning Justification Report (August 17, 2023) – Zoning By-law Amendment Application 2090 Nathaway Drive, Township of Selwyn

Introduction

This Planning Justification Report (PJR) has been prepared in support of a Zoning By-law Amendment (ZBLA) Application filed with the Township of Selwyn Planning Department regarding the residential property, known municipally as 2090 Nathaway Drive (Smith Ward) within the Township of Selwyn.

The Property



(Source: County of Peterborough Website, August 2023)

The property is located within an established rural subdivision, having frontage on Provincial Highway 28 and orientation to Katchewanooka Lake.

The property was developed as part of the concerned subdivision as a model home/sales office (Linwood Homes). The ZBLA Application is required to permit the use of the property as a single-unit dwelling. No construction/physical alteration of building or property is proposed nor required in this instance.

The ZBLA seeks to rezone the property from C2 – Commercial Zone Two to R1 – Residential Zone One. The current EP – Environmental Protection zoning of the property will remain in place.

Surrounding land uses include comparable residential properties.

Pre-Consultation

The ZBLA Application was subject of a mandatory “Pre-Consultation” meeting held January 18, 2023, of which I was not part of. I have reviewed the Record of Pre-Consultation issued by the Township Planning Department and agree with its conclusions and directives.

This PJR is in response to this Record of Pre-Consultation.

Public Consultation

Given the limited/scoped nature of this ZBLA Application, public consultation will rely upon the statutory provisions of the planning process.

Analysis

2020 Provincial Policy Statement (2020 PPS)

The 2020 PPS sets forth a series of policies that address a range of land use, planning, development, and related topics on a provincial wide basis.

With respect to the Zoning By-law Amendment Application, the following policies of the 2020 PPS are considered to have direct relevancy:

Section	Title – Comments
Part III	<p>How to Read the Provincial Policy Statement</p> <p>The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.</p> <p>Read the Entire Provincial Policy Statement</p> <p>The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to</p>

	<p>be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole. There is no implied priority in the order in which the policies appear.</p> <p>Opinion: The entire document has been reviewed for the purpose of preparing this Planning Justification Report.</p>
1.0	<p>Building Strong Healthy Communities</p> <p>Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.</p>
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate range and mix of residential (including second units, 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; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent

	<p>the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>Opinion: The use of the property for residential purposes, is in keeping with the development and land use patterns in the local area (plan of subdivision). Adjacent properties are similarly developed.</p>
1.1.3	<p>Settlement Areas</p> <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>Opinion: The property is part of a Rural Settlement Area, and forms part of a rural plan of subdivision.</p>
1.1.4	<p>Rural Areas in Municipalities</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>Opinion: The property form part of a Rural Settlement Area (Young's Point).</p>
1.1.5	<p>Rural Lands in Municipalities</p> <p>1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use</p>

	<p>and Management of Resources and Section 3: Protecting Public Health and Safety.</p> <p>1.1.5.2 On rural lands located in municipalities, permitted uses are:</p> <p>a) the management or use of resources;</p> <p>c) limited residential development;</p> <p>f) other rural land uses.</p> <p>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p> <p>Opinion: The ZBLA Application, will permit the use of the property for residential purposes. This represents a compatible form of development in this established rural plan of subdivision. Area properties have similar structures and/or developed conditions.</p>
1.6	Infrastructure and Public Service Facilities
1.6.6.4	<p>Where 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.</p> <p>Opinion: The property relies on private water and waste-water facilities. There is no anticipated need to modify said services in response to the approval of the ZBLA Application.</p>
2.1	<p>Natural Heritage</p> <p>2.1.1 Natural features and areas shall be protected for the long term.</p> <p>2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</p> <p>Opinion: The ZBLA Application property will not have an impact on Natural Heritage features. Otonabee Conservation Staff have addressed "safe access" associated with the</p>

	floodplain having bearing upon the subject property and area properties.
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It is my professional opinion that the Zoning By-law Amendment Application is consistent with the policy directives of the 2020 PPS.

2019 A Place to Grow- Growth Plan for the Greater Golden Horseshoe (2019 Growth Plan)

The 2019 Growth Plan came into effect on May 16, 2019 replacing the July 1, 2017 Growth Plan (which replaced the 2005 Growth Plan). The new 2019 Plan sets forth a series of detailed policies addressing population and employment growth and other related development, planning and land use matters for the Greater Golden Horseshoe Area. The County of Peterborough and its eight (8) member municipalities are located within the eastern portion of the outer-ring part of the 2019 Plan.

Relative to the Zoning By-law Amendment Application, the following policies of the 2019 Growth Plan are considered to have direct relevancy:

Policy	Title - Details
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"> • 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. • Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. • Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.

	<ul style="list-style-type: none"> • Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households. • Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government. • Provide for different approaches to manage growth that recognize the diversity of communities in the GGH. • Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. • Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network. • Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities. • Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions. <p>Opinion: The ZBLA Application conforms to the policies of Section 1.2.1 of the Plan. The Application will permit the use of the property for residential purposes, is compatible with area land uses and does not represent an environmental hazard.</p>
1.2.2	<p>Legislative Authority</p> <p>This Plan is issued under the authority of section 7 of the Places to Grow Act, 2005. It was approved through an Order in Council under that Act to come into effect on May 16, 2019. This Plan replaces the Growth Plan for the Greater Golden Horseshoe, 2017 that took effect on July 1, 2017.</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>Opinion: The entire document has been reviewed/read for the purpose of preparing this Planning Justification Report.</p>
<p>2.2</p>	<p>Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>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.</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities; <p>Opinion: The property forms part of a designated rural settlement area (Young’s Point).</p>
	<p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas;

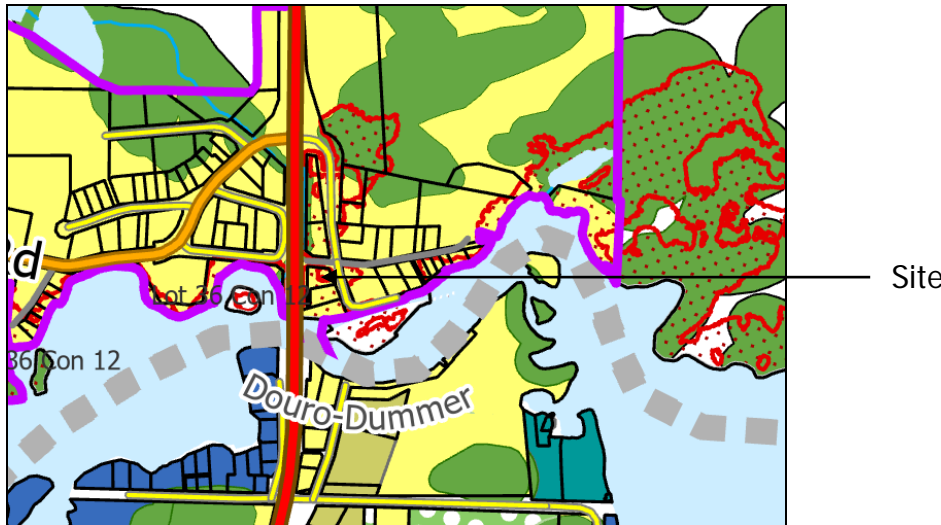
	<p>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</p> <p>iv. areas with existing or planned public service facilities;</p> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>Opinion: The property is part of a Rural Settlement Area, and forms part of a rural plan of subdivision.</p>
2.2.9	Rural Areas
2.2.9.1	<p>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.</p> <p>Opinion: The property is part of a Rural Settlement Area, and forms part of a rural plan of subdivision.</p>
2.2.9	<p>3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses; and</p> <p>c) other rural land uses that are not appropriate in settlement areas provided they:</p> <p>i. are compatible with the rural landscape and surrounding local land uses;</p> <p>ii. will be sustained by rural service levels; and</p> <p>iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.</p> <p>Opinion: The proposed use of the property for residential purposes, the use can be sustained by rural service levels and is compatible with area properties.</p>

It is my professional planning opinion that the Zoning By-law Amendment Application is in Conformity with the policies of the 2019 Growth Plan.

July 2022 County of Peterborough Official Plan (COP)

For purposes of this PJR, I evaluated the pending July 2022 COP (awaiting Provincial approval). Based on this version of the COP, the property is designated as “Rural Settlement” with a “Floodplain” overlay.

Official Plan Map Schedule - Details



(Source: County of Peterborough Website, August 2023)

Relative to the ZBLA Application, the following policies of the July 2022 COP are considered to have direct relevancy:

Section	Title - Comments
2.3	<p>Zoning By-laws</p> <p>This Plan shall be implemented by local Municipal Comprehensive Zoning By-Laws adopted under Section 34 of the Planning Act. The implementing Zoning By-Laws shall conform with and give effect to the provisions of this Plan.</p> <p>When this Plan or any part thereof takes effect, every local Municipal Zoning By-Law shall be amended by the local Municipalities to conform to this Plan pursuant to the Planning Act.</p> <p>Notwithstanding the above, this Plan is not intended to prevent the continuation, expansion, or enlargement of uses which do not conform to the designations and provisions of this Plan. At their sole discretion,</p>

	<p>local Municipalities may zone to permit the continuation, expansion or enlargement of legally existing uses, or variations to similar uses, provided that such uses:</p> <ul style="list-style-type: none"> • have no adverse effect on present uses of surrounding lands or the implementation of the provisions of this Plan; • have regard for Minimum Distance Separation I and II as prescribed by the Province, if applicable; and • have regard to the Trent Source Protection Plan. <p>Opinion: This ZBLA Application is in conformity with the land use designations and policies of the COP.</p>
4.1.1	<p>Rural Settlement</p> <p>The Rural Settlement designation identifies existing hamlets that have been developed on private water supply and sanitary sewage disposal services, or on partial services. Due to the timeframe in which they were developed, existing lots may or may not meet today's minimum standards.</p> <p>In some cases, the Rural Settlement may serve as an important or primary community hub. For this reason, rural settlements may continue to experience growth in accordance with the policies of this Plan.</p> <p>Opinion: The property forms part of a designated Rural Settlement (Young's Point).</p>
4.1.1.1	<p>Permitted Uses</p> <p>Permitted uses within the Rural Settlement designation shall include single-detached dwellings, duplex dwellings, semi-detached dwellings, rowhouses, townhouses, low-rise apartment buildings and group homes. Other uses, which are considered necessary to serve the community or the surrounding rural area may be permitted such as schools, churches, medical offices, business and professional offices, public or municipal facilities, restaurants and eating establishments, retail and service commercial uses, and small scale employment uses. Home occupations, home industries, bed and breakfast establishments, and compatible</p>

	<p>accessory uses shall also be permitted.</p> <p>Opinion: The existing model homes – sales office building is proposed to be adapted for use as a single-unit dwelling.</p>
4.1.1.2	<p>New Development</p> <p>6) All private water supply and sewage disposal systems shall satisfy the requirements of Peterborough Public Health, the applicable approval agency, or the Province.</p> <p>Opinion: The ZBLA Application, if approved, will permit the use of the existing building as a single-unit dwelling, of which same is supported by appropriate on-site (private) services.</p>
5.4.2	<p>Rural Settlements</p> <p>Rural settlements are the most common type of settlement area in the County and, in some cases, represent the primary community hub for the local Municipality. Most rural settlements are serviced by individual on-site wells and septic systems, with a limited number having partial services available to parts of the settlement. Those with partial services have been identified in the list below.</p> <p>Opinion: Young’s Point is listed as one of the designated rural settlement areas. The property is located within the designated limits of the Young’s Point rural settlement area.</p>

Otonabee Conservation Authority Staff have considered the ZBLA Application through the mandatory Pre-Consultation process and have no concerns with the approval of same. Staff acknowledge the location configuration and context of the building and how “safe access” to same can be provided.

It is my professional planning opinion that the proposed Zoning By-law Amendment Application is in keeping with the general purpose and intent of the policies of the July 2022 County of Peterborough Official Plan.

Pre-July 2022 Official Plan (OP)

The property is designated as “Hamlet” and “Environmental Constraint Area” by the OP.

Official Plan Map Schedule – Detail Map ‘A1’



(Source: County of Peterborough Website, August 2023)

Relative to the ZBLA Application, the following policies of the OP are considered to have direct relevancy:

Policy	Title – Details, Planning Opinion
6.2.3	Hamlet
6.2.3.1	It is intended that residential growth opportunities in Douro-Dummer be directed to these communities. In-depth development by plan of subdivision, rather than strip development, shall be the preferred method of development. The following are the recognized Hamlets: <ul style="list-style-type: none"> - Selwyn, Youngs Point <p>Opinion: The subject property is located within the designated limits of the Young’s Point Settlement Area.</p>
6.2.3.2	Permitted Uses <p>The predominant use of land within the Hamlet designation shall be for single detached residential dwellings with some limited provision for</p>

	<p>multiple unit dwellings. Other uses, which are considered necessary to serve the community or the surrounding rural area may be permitted such as schools, parks, churches, physicians' and dentists' offices and public or municipal facilities. This category may include retail and service commercial uses deemed necessary to serve the surrounding agricultural, rural and/or recreational areas and industrial uses, such as a builders' supply, feed mill, public garage, farm implement dealer which primarily serve the surrounding rural-agricultural community.</p> <p>Opinion: The existing model home is proposed for use as a single-unit dwelling, conforming with Policy 6.2.3.2.</p>
6.2.3.3	<p>Hamlet Policies</p> <p>a) The uses permitted in Hamlet areas and regulations for such uses shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of residential uses, especially in cases of adjacent uses which are deemed not compatible. Provision shall be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances, and control over outside storage.</p> <p>Opinion: From 6.2.3, no physical development is to occur. Rather, the existing model home will be adapted for use as a single-unit dwelling. This is a common practice in many communities/plans of subdivisions.</p>

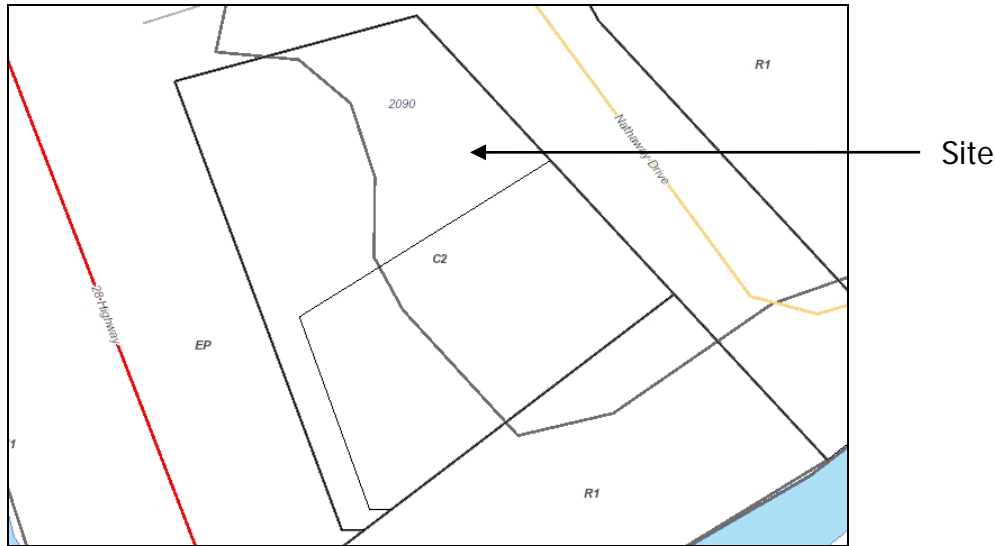
Relative to the Environmental Constraint Area, the Otonabee Conservation Authority has reviewed the proposed development and is not objecting to the change in land use.

It is my professional planning opinion that the proposed ZBLA Application is in keeping with the general purpose and intent of the policies of the Pre-July Official Plan.

Township of Selwyn Zoning By-law (Zoning By-law)

The property is currently zoned “Commercial Zone Two – C2 and Environmental Protection – EP”.

Zoning Map Detail



(Source: Township of Selwyn, August 2023)

The ZBLA Application seeks to rezone the property from C2 to R1 to permit a single-unit dwelling use. The current EP zoning will remain applicable in this instance.

Summary

It is my Professional Planning Opinion that the Zoning By-law Amendment Application is serving to permit the property to be used for residential purposes and is:

- Consistent with policy directives of the 2020 PPS;
- In Conformity with the policy directives of the 2019 A Place to Grow Plan;
- In Keeping with the general purpose and intent of the land use designations and policies of the pending July 2022 County of Peterborough Official Plan and the current County of Peterborough Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of Selwyn Zoning By-law; 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