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## Planning Justification Report (August 30, 2023) - Zoning By-law Amendment Application 626 Mallard Drive (Ennismore) Township of Selwyn, County of Peterborough

### 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 626 Mallard Drive.

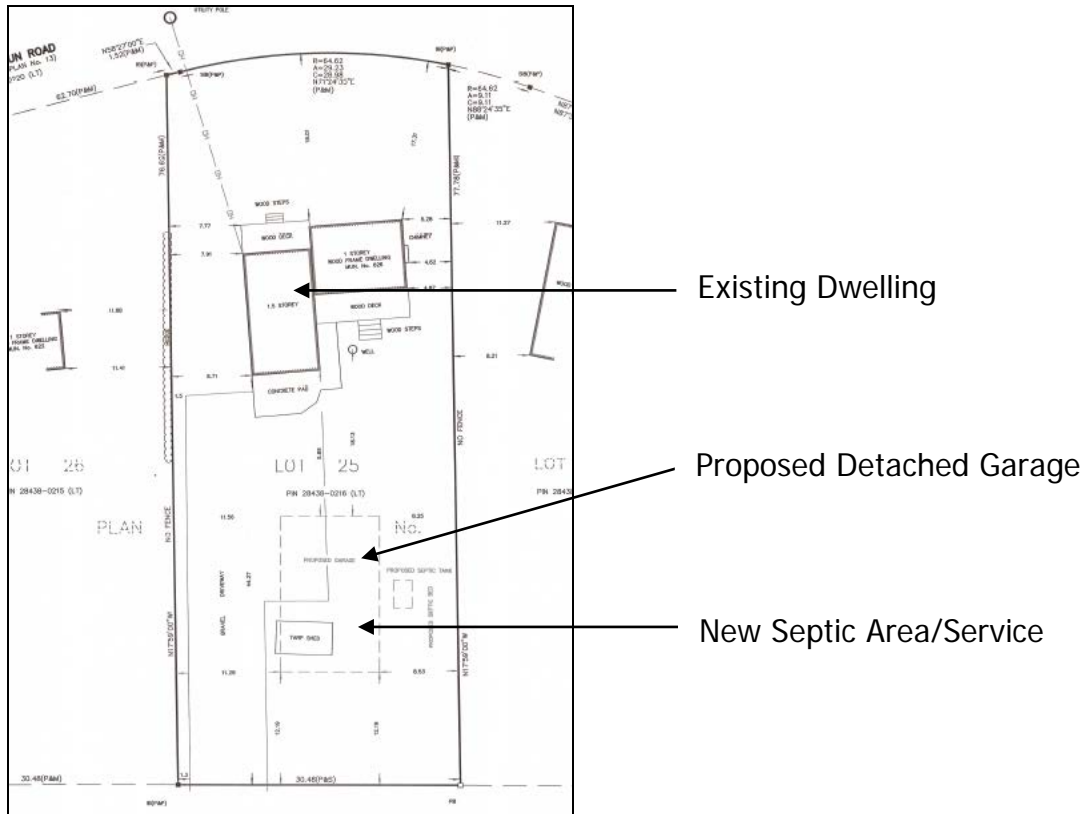
### The Property



(Source: County of Peterborough Website, August 2023)

The property is located on the north side of Mallard Drive, also having road frontage on Rabbit Run Road. Surrounding land uses are residential (single detached dwellings), including recently constructed and traditional dwellings.

## The Concept Plan



(Source: JD Barnes, OLS, May 2023)

The concept plan illustrates the location of a proposed detached, 2 (two) storey three (3) car garage, within the south part of the property. Vehicular access would be provided from the existing Mallard Drive, driveway (west side of the property).

## Property Development Summary

| Feature                                     | Dimension (Metric)                          |
|---|---|
| Lot Area                                    | 2303 square metres                          |
| Existing Dwelling Footprint (includes deck) | 225 square metres                           |
| Proposed Detached Garage Footprint          | 179 square metres                           |
| <b>Total Building Coverage</b>              | <b>404 square metres (17% lot coverage)</b> |

The proposed detached garage will have the following setbacks:

| <b>Lot Line</b>                 | <b>Dimension (Metric)</b> |
|---------------------------------|---------------------------|
| Street Lot Line (Mallard Drive) | 12 metres                 |
| East Side Line E                | 8.5 metres                |
| Side Lot Line (West)            | 11.3 metres               |
| To Main Dwelling                | 15                        |

### **The ZBLA Application - Summary**

The following is a summary of the ZBLA Application:

| <b>Regulation</b>                   | <b>Proposed Provision</b>  |
|-------------------------------------|--|
| Building Setback from Mallard Drive | 12 metres, reduced from 15 metres<br>Regulation 4.12.3 – Rural Residential Zone                        |
| Building Height                     | 9.5 metres, increased from 4 metres<br>Regulation 3.1.4 (Lot Coverage and Height – Accessory Building) |

### **Pre-Consultation**

The property owner received a Record of Pre-Consultation Report dated April 19, 2023 (see Attachment 'G' for details).

The Report indicated the following requirements in support of the ZBLA Application:

- ZBLA Application (and fee payment);
- Planning Justification Report;
- Archaeological Assessment;
- Building Elevation Drawings;
- Surveyors Real Property Report; and
- Concept Plan.

The ZBLA Application package contains the above-referenced items.

## 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 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><b>Opinion: The entire document has been reviewed for the purpose of preparing this Planning Justification Report.</b></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</p>  |

|              |  |
|--------------|--|
|              | <p>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>  |
| <p>1.1.1</p> | <p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate range and mix of <b>residential</b> (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;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p><b>Opinion: The continued use of the property for residential purposes is in keeping with the development and land use patterns in the local area (Mallard Drive and Rabbit Run Road).</b></p> |
| <p>1.1.3</p> | <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><b>Opinion: The subject property is not part of a Rural Settlement Area, but does form part of an established residential area.</b></p>   |

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|--------------|---|
| <p>1.1.4</p> | <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, <b>rural lands</b>, 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><b>Opinion: The subject property is not part of a Rural Settlement Area, but does form part of an established residential area.</b></p> |
| <p>1.1.5</p> | <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 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> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li><b>c) limited residential development;</b></li> <li>f) other rural land uses.</li> </ul> <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><b>Opinion: The ZBLA Application, seeks to permit the construction of a detached garage, which together with the existing dwelling, is representative of a compatible form of</b></p>   |

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|         | <b>building in this rural residential setting.</b>   |
| 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><b>Opinion: The property will rely upon private water and waste-water facilities (proposed new septic system).</b></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><b>Opinion: The rezoning of this property will not have an impact on any area Natural Heritage features.</b></p>   |

**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 data-bbox="418 392 669 422">Guiding Principles</p> <p data-bbox="418 468 1406 730">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 data-bbox="418 772 1398 1822" style="list-style-type: none"> <li data-bbox="418 772 1317 884">• 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 data-bbox="418 919 1349 1031">• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li> <li data-bbox="418 1066 1398 1178">• Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.</li> <li data-bbox="418 1213 1393 1325">• Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.</li> <li data-bbox="418 1360 1373 1507">• 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.</li> <li data-bbox="418 1543 1373 1612">• Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.</li> <li data-bbox="418 1648 1338 1717">• Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.</li> <li data-bbox="418 1753 1360 1822">• Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food</li> </ul> |



|       |   |
|-------|---|
|       | <p>network.</p> <ul style="list-style-type: none"> <li>• Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.</li> <li>• 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.</li> </ul> <p><b>Opinion: The ZBLA Application conforms to the policies of Section 1.2.1 of the Plan. The continued use of the property residential purposes is compatible with rural land uses and does not represent an environmental hazard.</b></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><b>Opinion: The entire document has been reviewed/read for the purpose of preparing this Planning Justification Report.</b></p>  |
| 2.2   | <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"> <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>Opinion: The property does not form part of a designated rural settlement area. It does form part of an established rural residential area/community.</b></p> |
|         | <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> <li>i. delineated built-up areas;</li> <li>ii. strategic growth areas;</li> <li>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</li> <li>iv. areas with existing or planned public service facilities;</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 property does not form part of a designated rural settlement area.</b></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><b>Opinion: The property does not form part of a rural</b></p>   |

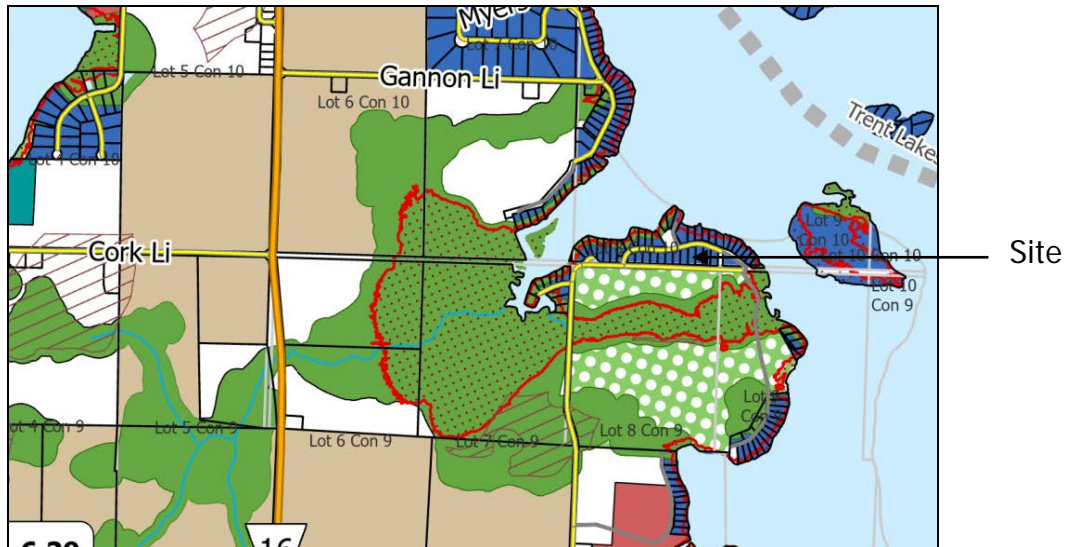
|              |   |
|--------------|---|
|              | <p><b>settlement area, but rather, rather it forms part of an established rural residential area.</b></p>   |
| <p>2.2.9</p> | <p>3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li>b) resource-based recreational uses; and</li> <li>c) other rural land uses that are not appropriate in settlement areas provided they: <ul style="list-style-type: none"> <li>i. are compatible with the rural landscape and surrounding local land uses;</li> <li>ii. will be sustained by rural service levels; and</li> <li>iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.</li> </ul> </li> </ul> <p><b>Opinion: The continued use of the property for residential purposes can be sustained by rural service levels and is compatible with area properties.</b></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.**

## County of Peterborough Official Plan

The County Official Plan (July 2022) designates the property as “Waterfront Residential”. For purposes of this Report, I utilized the July 2022 version of the County of Peterborough Official Plan, acknowledging that said Planning document is awaiting final Ministerial approval. The previous COP document (pre-July 2022) contained similar land use designations and policies permitting the existing and proposed (redevelopment) waterfront residential use of the property.

### 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  |
|---------|---|
| 4.1.4   | <p>Waterfront Residential</p> <p>The Waterfront Residential land use designation primarily applies to lands along the shorelines of lakes, rivers and other major waterbodies but may include historic built-up areas or subdivisions that are oriented towards the water. Typically these areas have been developed for seasonal use with changeover to permanent residences.</p> <p><b>Opinion: The property is proposed to be continued to be used for residential purposes and forms part of a built-up rural</b></p> |

|         |   |
|---------|---|
|         | <b>residential area.</b>  |
| 4.1.4.1 | <p>Permitted Uses</p> <p>Permitted uses in the Waterfront Residential designation shall include single detached dwellings, as well as low intensity recreational uses such as parks, hiking trails and the like. Bed and breakfast establishments and home occupations may also be permitted in accordance with the local Municipal Zoning By-Law.</p> <p><b>Opinion: The ZBLA Application serves to permit the continued use of the property to contain a single detached dwelling, including a proposed detached garage building.</b></p>   |
| 4.1.4.2 | <p>New Development</p> <p>d) Lands within the Waterfront Residential designation will be zoned appropriately in the local Municipal Zoning By-Law, and may be placed in a rural or Holding category until required for their ultimate development. Where lands are accessed by a private road or right-of-way, or by water access only, they may be zoned in a separate zoning category to recognize the limited means of access which may affect other municipal services such as road maintenance, snow removal, emergency vehicle access, waste removal and school bus access.</p> <p>c) 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><b>Opinion: The proposed detached garage building project will include a new septic facility, of which same will be subject of permits to be issued by the Township and Health Unit.</b></p> |
| 9.4.2   | <p>Existing Lots</p> <p>For existing lots of record, new development and septic systems must be setback 30 metres from the high water mark of all waterbodies, if feasible. Where it has been demonstrated that the 30 metre setback cannot be achieved due to topography, environmental features or required separation from adjacent uses, new development must be set as far back from the high water mark as the lot permits. Any proposed</p>  |

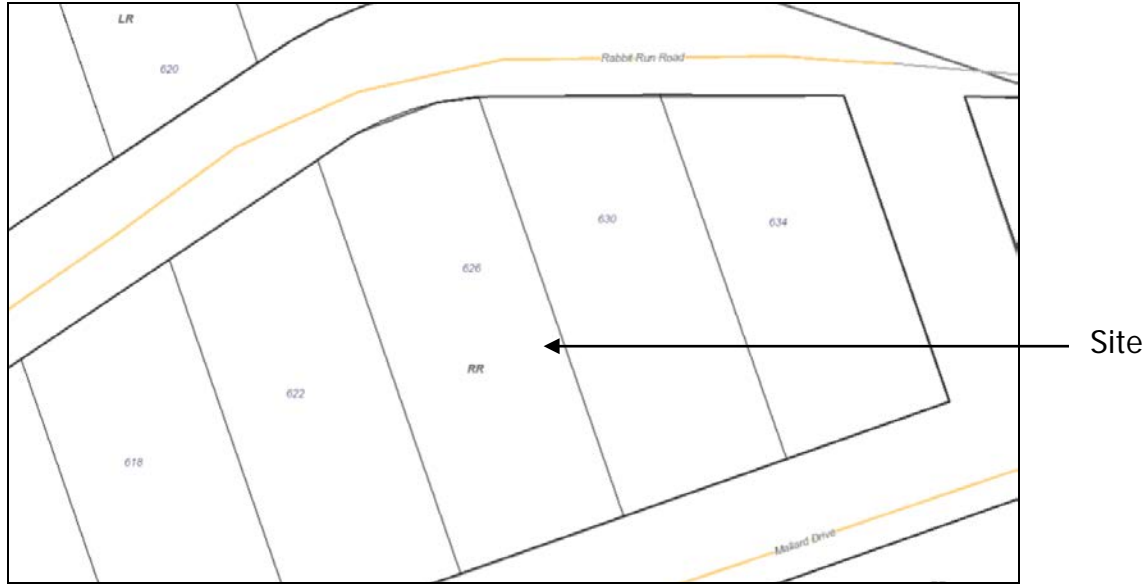
|              |   |
|--------------|---|
|              | <p>reduction to the 30 metre minimum setback will:</p> <ul style="list-style-type: none"> <li>• be consistent with any applicable policies in the Provincial Policy Statement and related implementation guidelines;</li> <li>• maximize the setback through building design and orientation, and the siting of the septic system;</li> <li>• minimize disturbance to native soils and shoreline vegetation in accordance with other policies of this Plan; and</li> <li>• strengthen lake and river environments by ensuring that shorelines are enhanced and preserved.</li> </ul> <p><b>Opinion: The proposed detached garage building will not impact the shoreline of any area waterbody..</b></p> <p><b>The Septic area will also be located outside of the required 30 metre setback from any waterbody.</b></p> |
| <p>9.4.3</p> | <p>Existing Structures</p> <p>Expansions to, or replacements of existing structures and/or septic systems that further reduce the existing water setback shall not be permitted. Such expansions or replacements must meet the requirements of the local Municipal Zoning By-Law.</p> <p>Existing structures that are demolished and not reconstructed on the same footprint must meet the policies of Section 9.4.2.</p> <p><b>Opinion: There are no changes to the existing dwelling. Rather, a proposed detached garage is to be constructed in the south part of the property. The proposed development will not be impactful upon any area waterbody.</b></p>  |

**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.**

## Municipality of Trent Lakes Zoning By-law (Zoning By-law)

The property is currently zoned 'RR – Rural Residential' by the TZBL.

### Zoning Map Detail



(Source: County of Peterborough Website, August 2023)

As noted, in the introductory part of this Report, the ZBLA Application is required to the construction of a proposed two (2) storey detached garage building.

### The ZBLA Application - Summary

The following is a summary of the ZBLA Application:

| Regulation                          | Proposed Provision   |
|-------------------------------------|--|
| Building Setback from Mallard Drive | 12 metres, reduced from 15 metres<br>Regulation 4.12.3 – Rural Residential Zone                        |
| Building Height                     | 9.5 metres, increased from 4 metres<br>Regulation 3.1.4 (Lot Coverage and Height – Accessory Building) |

The property and its established residential use otherwise conforms with regulatory provisions of TZBL. The RR – Rural Residential Zone permits a lot coverage of all

buildings of 20%. The proposed construction/building when added to the existing dwelling and its associated open deck structures has a lot coverage of 17%. Thus, no overdevelopment of land will occur.

## Summary

**In summary, it is my Professional Planning Opinion that the Zoning By-law Amendment Application is:**

- Consistent with 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 land use designations and policies of the July 2022 County of Peterborough Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of Selwyn; and
- **Representative of Good Planning.**

Respectfully Submitted,



Kevin M. Duguay, MCIP, RPP