



9795 COUNTY ROAD 93

PLANNING JUSTIFICATION REPORT

Town of Penetanguishene, ON

IPS NO. 20-974

June 2021



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9795 COUNTY ROAD 93
Part of Lot 112, Concession 1

TOWN OF PENETANGUISHENE

APPLICATIONS FOR

SEVERANCE AND MINOR VARIANCES

PREPARED BY

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ON BEHALF OF

CHRIS PAUZE

June 4, 2021

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1.0 INTRODUCTION

Innovative Planning Solutions has been retained by Chris Pauze to complete a Planning Justification Report in relation to applications for Consent and Minor Variances on lands legally described as Part of Lot 112, Concession 1, and municipally known as 9795 County Road 93 in the Town of Penetanguishene.

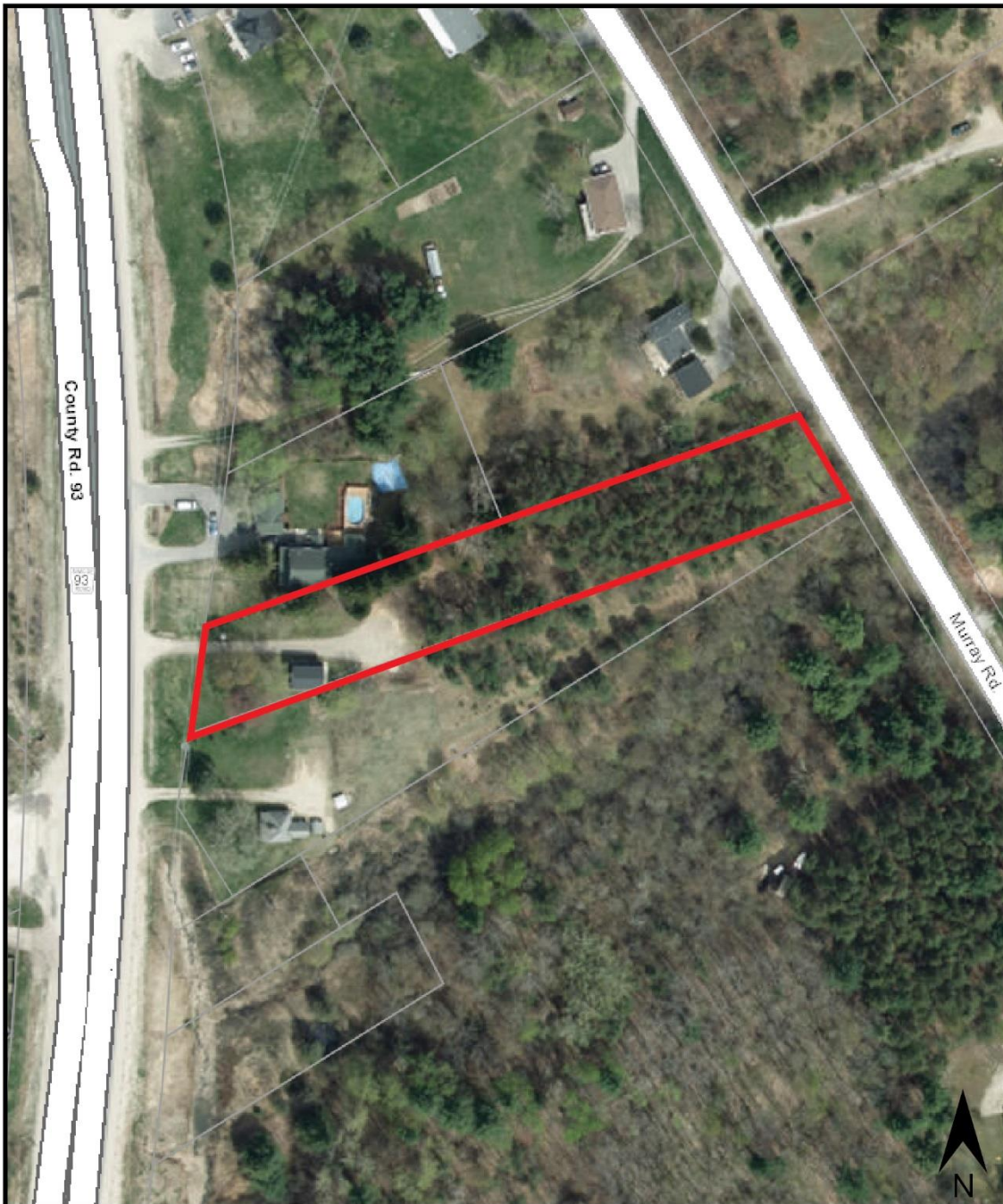
The entire Town of Penetanguishene is a Settlement Area, including the subject lands. The lot is a through lot, possessing approximately 30.7 metres of frontage along County Road 93 and 27.3 metres of frontage along Murray Road. The lands possess a total area of approximately 5,011 square metres (0.501 hectares or 1.23 acres). The lands currently contain one long-standing, single detached dwelling with an existing access from County Road 93. **Figure 1** shows the location of the subject lands.

The lands are currently designated as 'Settlements' in the County of Simcoe Official Plan, 'Rural Area' in the Town of Penetanguishene Official Plan, and zoned 'Rural (RU)' in the Town's Zoning By-law. The lands are also subject to 'Environmental Protection' and 'Future Study Area' policy overlays as per Schedule B1 of the Town Official Plan.

The purpose of these applications is to obtain approval for the severance of the subject lands to create one (1) new lot for residential use and permit four (4) minor variances from the Zoning By-law; three (3) of which to acknowledge existing, legal non-conforming conditions and one (1) to permit a reduced lot frontage for the proposed new lot. The report will review the applicable policies found within the document noted below to demonstrate consistency with good planning principles:

- Planning Act, 2020 Consolidation
- Provincial Policy Statement, 2020
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation
- Official Plan of the County of Simcoe, 2016
- Town of Penetanguishene Official Plan, 2018 Consolidation
- Town of Penetanguishene Zoning By-law 2000-02, 2019 Consolidation

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LEGEND

 Subject Lands

Figure 1

SUBJECT LANDS AERIAL

Source: Simcoe Maps, 2021.

Drawn By: KT

File: 20-974



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2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

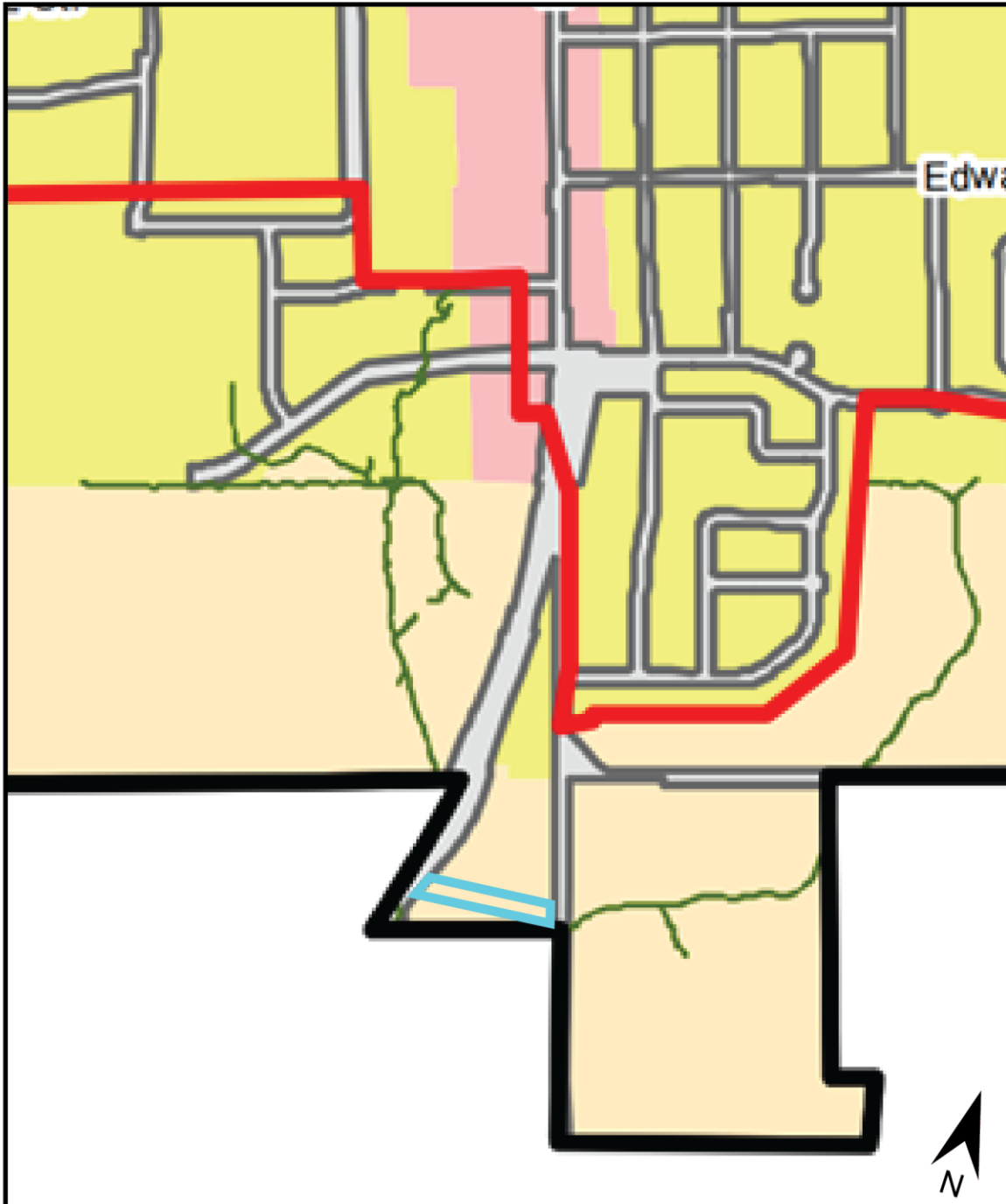
The subject lands are located within the Penetanguishene Settlement Area, approximately 5.0 metres north of the Midland-Penetanguishene Municipal Boundary. The lands possess a total area of approximately 5,011 square metres (0.501 hectares or 1.23 acres). The lot is a through lot, possessing approximately 30.7 metres of frontage along County Road 93 and 27.3 metres of frontage along Murray Road.

The lands currently contain one long-standing, single detached dwelling with an existing access from County Road 93. There is no existing access to the lot from Murray Road. The lands slope from east to west by approximately 8 metres. A wooded area is present on the eastern half of the property, which has been evaluated through an Environmental Impact Study (EIS), submitted by Birks Natural Heritage Consultants in support of this application.

The lands are currently designated as 'Settlements' in the County of Simcoe Official Plan. The lands are designated 'Rural Area' in the Town of Penetanguishene Official Plan (**Figure 2**), and zoned 'Rural (RU)' in the Town's Zoning By-law (**Figure 3**). The lands are also subject to 'Environmental Protection' and 'Future Study Area' policy overlays as per Schedule B1 of the Town Official Plan (**Figure 4**).

The subject lands are bound to the north by rural residential uses. Further north exists urban development within the delineated built boundary of the Town of Penetanguishene. The lands are bound to the east by Murray Road (local road). Opposite Murray Road lies rural residential uses, while further east exists natural heritage lands and rural lands within the Town of Midland. The subject lands are bound to the south by rural residential uses, and approximately 5 metres south exists natural heritage lands and rural lands within the Town of Midland. A watercourse also exists approximately 30.0 metres south of the subject site. County Road 93 abuts the lands to the west. Further west lies natural heritage lands and mixed-use corridor lands within the Town of Midland. The subject site and surrounding uses are outlined in **Figure 5**.

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LEGEND

- Subject Lands
- Rural Area
- Neighbourhood Area
- Environmental Protection Area (EP)
- Delineated Built Boundary

Figure 2

LAND USE DESIGNATION

Source: Town of Penetanguishene Official Plan, 2018 Consolidation, Schedule A.

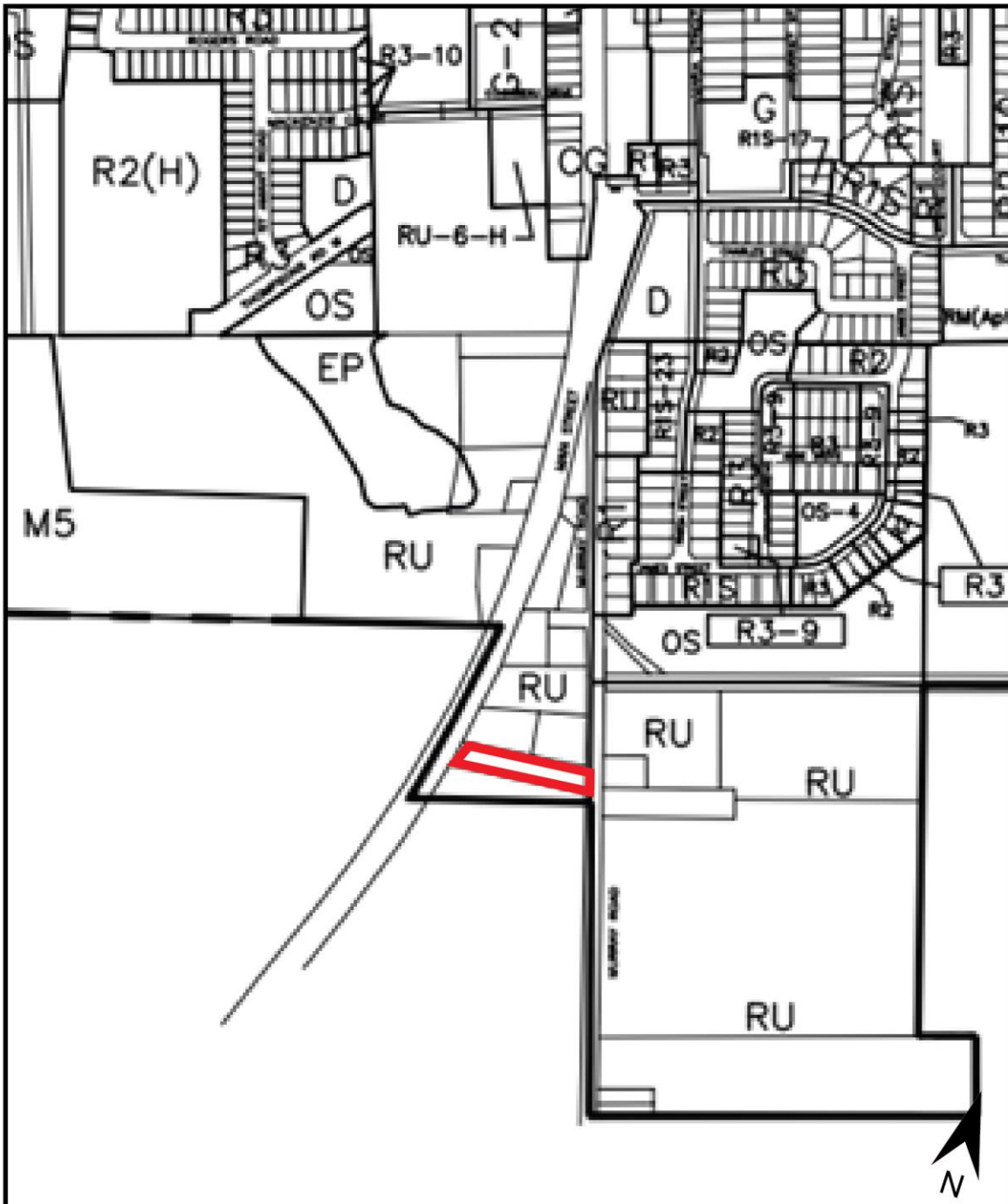
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LEGEND

- Subject Lands
- RU Rural
- OS Open Space
- R1 Residential First Density
- R3 Residential Third Density

Figure 3

ZONING

Source: Town of Penetanguishene Zoning By-law 2000-02, 2019 Consolidation, Schedule A

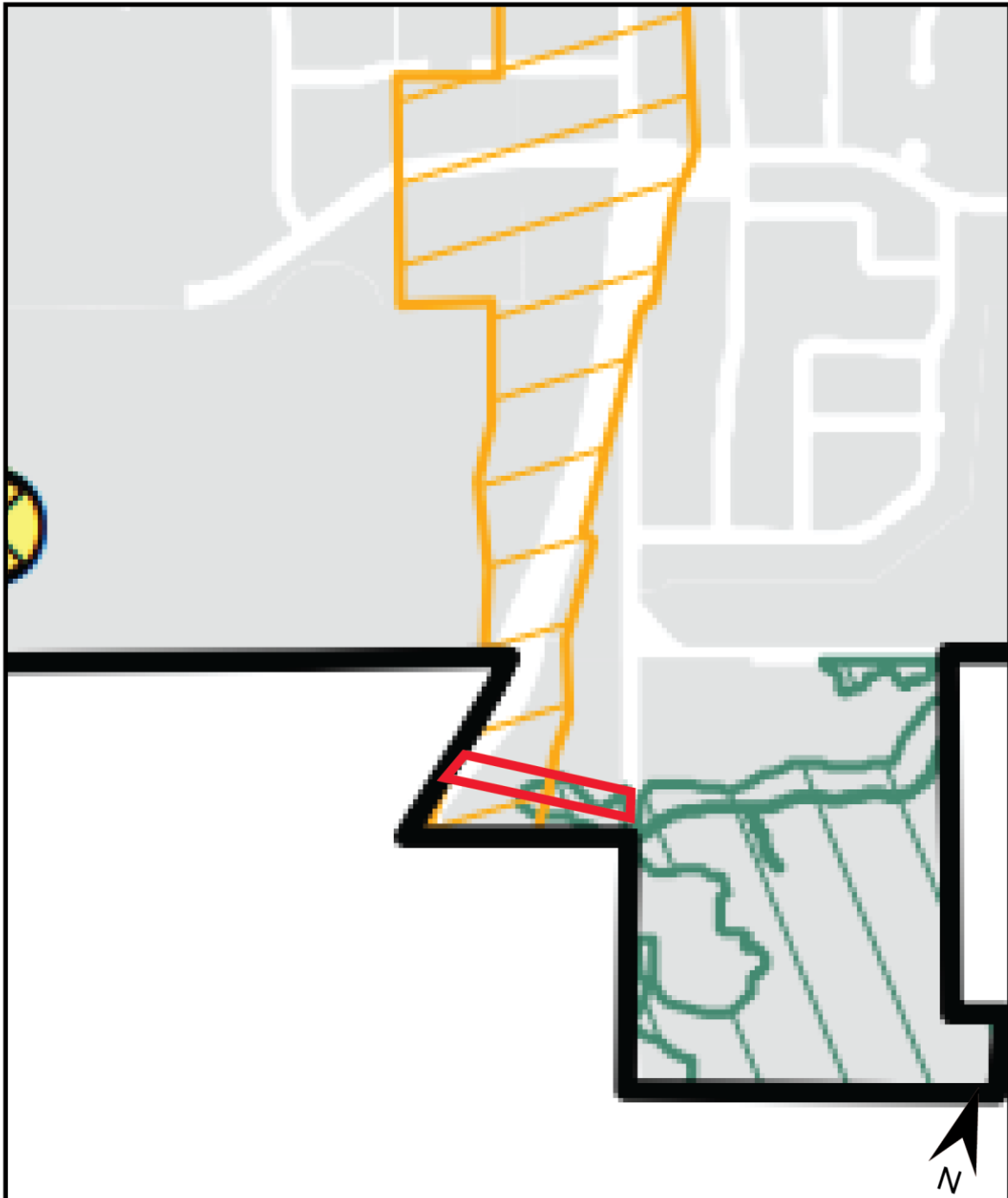
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LEGEND




-  Subject Lands
-  Environmental Protection
-  Future Study Areas

Figure 4

POLICY OVERLAYS

Source: Town of Penetanguishene Official Plan, 2018 Consolidation, Schedule B1.

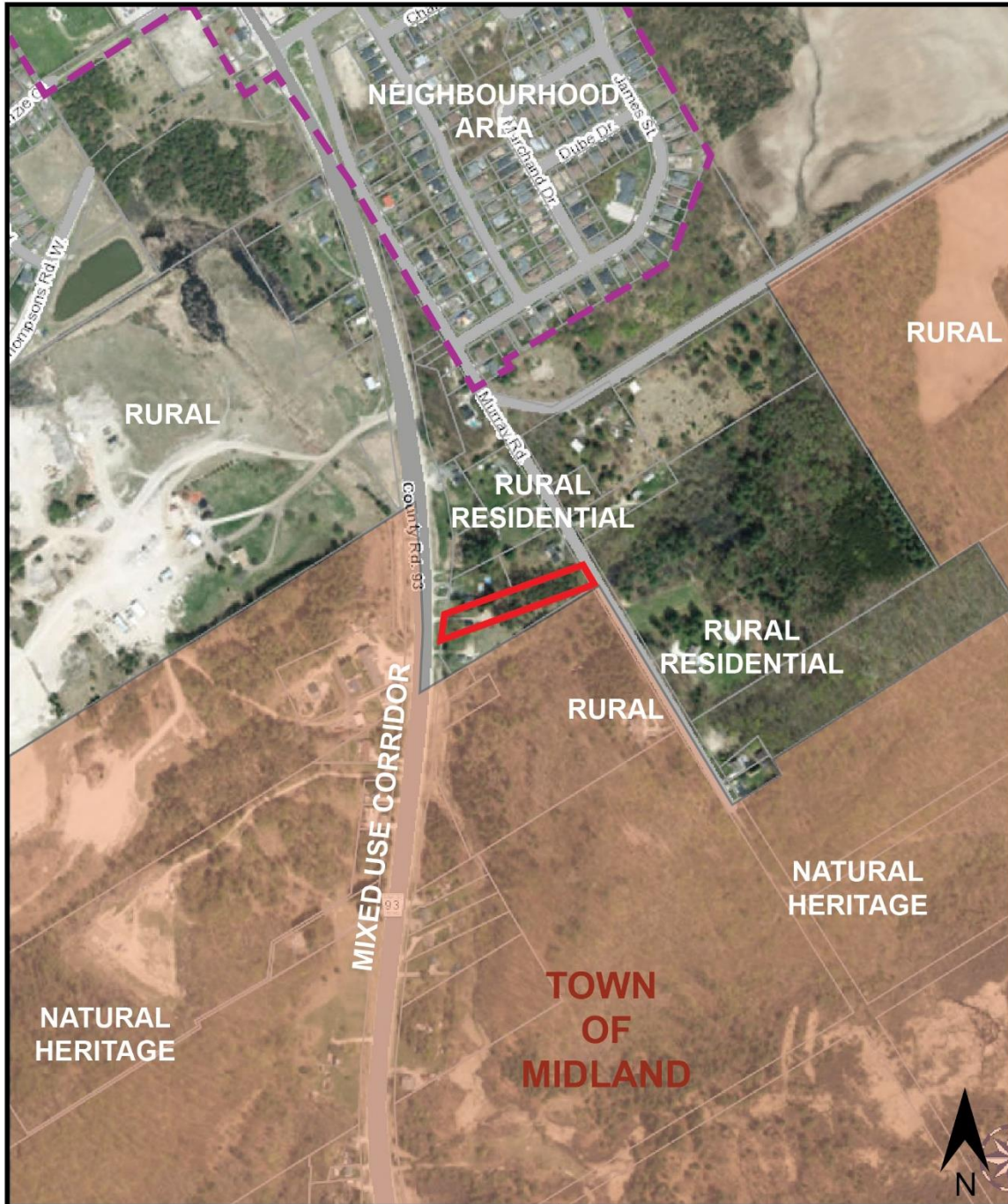
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LEGEND

- Subject Lands
- Delineated Built Boundary

Figure 5

SURROUNDING LAND USES

Source: Simcoe Maps, 2021.

Drawn By: KT

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3.0 DESCRIPTION OF DEVELOPMENT

The intent of the proposed applications is to create one (1) new lot for low-density residential use, along with permitting a total of four (4) minor variances. The proposed minor variances seek to acknowledge three existing, legal non-conforming conditions, in accordance with Sections 3.5-3.7 of the Zoning By-law and one new variance relating to existing frontage for the proposed severed lot on Murray Road. Please see the proposed severance sketch in **Appendix 1**.

3.1 PRE-CONSULTATION

A pre-consultation meeting was held with the Town to determine the feasibility of the proposed development. Based on discussions with Staff, it was identified that a Planning Justification Report and Scoped Environmental Impact Study (EIS) would be required to support the proposed severance and demonstrate conformity with applicable planning policy. In addition to this Report, an Environmental Impact Study (dated May 2021) was completed by Birks Natural Heritage Consultants Inc. and submitted in support of these applications.

3.2 APPLICATION FOR CONSENT

One application for consent is required to facilitate the creation of one (1) new lot on the subject lands. The two lots (severed and retained) are subject to the 'Rural (RU)' zone provisions as outlined in Section 8.0 of the Town's Zoning By-law, and as summarized in **Table 1** below.

Table 1: Zoning Provisions for the 'Rural (RU)' Zone

	Required	Severed Lot	Retained Lot
Lot Area (min.)	2,000 m ²	+/- 2,437.0 m ²	+/- 2,574.0 m ²
Lot Frontage (min.)	35.0 m	27.0 m	30.0 m
Front Yard (min.)	7.5 m	> 7.5 m	25.5 m
Exterior Side Yard (min.)	7.5 m	n/a	n/a
Interior Side Yard (min.)	3.0 m	>= 3.0 m	0.0 m

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Rear Yard (min.)	7.5 m	> 7.5 m	61.0 m
Potential Lot Coverage (max.)	35%	< 35%	2.7 %
Ground Floor Area (min.)	85.0 m ²	> 85.0 m ²	65.0 m ²
Height (max.)	11.0 m	< 11.0 m	< 11.0 m

The Retained Lot would have an area of approximately 2,574.0 square metres (0.25 hectares or 0.63 acres), with 30.0 metres of (existing) frontage onto County Road 93. The Retained Lot would contain the existing single detached dwelling on-site and maintain the existing driveway access off County Road 93. Three (3) minor variances will be required to legalize existing, non-conforming conditions on the Retained Lot for a deficient lot frontage, deficient interior side yard setback, and deficient minimum ground floor area; these variances are not a result of the proposed severance but to legalize existing conditions. The required variances will be discussed in further detail through Section 3.2 of this Report.

The Severed Lot would have an area of approximately 2,437.0 square metres (0.24 hectares or 0.60 acres), and would be accessed from the existing 27.0 metres of frontage onto Murray Road. A conceptual building footprint, driveway, and septic area are provided on the Severance Sketch in **Appendix 1**, to demonstrate that the lot can accommodate an appropriately sized and functional single detached dwelling and required servicing in adherence to the RU zone provisions. The proposed conceptual layout is also meant to demonstrate development in relation to the natural heritage features on-site, as further discussed in the EIS submitted by Birks Natural Heritage Consultants in support of the applications. One minor variance is requested for the Severed Lot to acknowledge an existing deficient minimum lot frontage, as further discussed in Section 3.2 of this Report. The Severed Lot meets all other provisions for the RU zone.

3.3 MINOR VARIANCE

A total of four (4) minor variances are requested to facilitate the proposed severance. Three of the four variances relate to existing, non-conforming conditions of the subject site for deficient lot frontage, deficient interior side yard setback, and deficient ground floor area. One new variance is proposed to permit a deficient lot frontage for the proposed severed lot of 27m whereas the Zoning Bylaw requires 35m. The following section provides an analysis

of the variances required, in relation to Section 45(1) of the Planning Act and as highlighted in **Table 1**.

3.3.1 Is the variance minor?

The variances requested for the Retained Lot, including a deficient lot frontage, deficient interior side yard setback, and deficient ground floor area, reflect existing deficiencies that the proposed development seeks to legalize. Legalizing these existing deficiencies would have no adverse impact on land use planning considerations and are therefore minor in nature.

The variance requested for a deficient lot frontage for the Severed Lot is also considered minor in nature, having no adverse impact on the functionality of the proposed lot, adjacent lands or the character of the area. This frontage onto Murray Road presently exists as an attribute of the current through lot. The development thereby proposes to use this existing frontage to facilitate the development of one new low density dwelling within a Primary Settlement Area that is compatible with the uses in the surrounding area. As demonstrated through the Severance Sketch in **Appendix 1**, the proposed variance allows for the functional development of the Severed Lot, as it can accommodate an appropriately sized single detached dwelling and associated amenities, including driveway, servicing, and amenity areas, while maintain all other zoning provisions. While the lot is currently defined as a through lot, this existing frontage does provide an opportunity to install a new driveway, notwithstanding the proposed severance. In summary, the proposed variance for a deficient lot frontage for the Severed Lot will facilitate functional development that maintains the character of the area and the streetscape, by making efficient use of an existing frontage onto Murray Road.

In addition to the above, both the Severed and Retained Lots demonstrate the ability to adhere to all other provisions of the RU zone. In this regard, the proposed variances will be able to support functional development on both the Severed and Retained Lots and be able to facilitate development that maintains compatibility with the surrounding area. Given the above, the proposed variances are minor in nature.

3.3.2 Is the variance desirable for the appropriate development of the area or use of the land?

The requested variances seek to facilitate the development of one (1) new residential lot within the Penetanguishene Settlement Area. Settlement areas have been identified by Provincial and County planning policies as the preferred location for growth, and local municipalities are encouraged to permit more compact and efficient development on lands within Settlement Areas. Noting the above, the proposed variances appropriately facilitate growth on the subject lands as per Provincial and County growth policies. The proposed variances will also facilitate a severance that is well-aligned with the direction for development provided within the Town Official Plan. As outlined in **Figure 4** and **Appendix 1**, the Retained Lot is subject to the 'Future Study Areas' policy overlay, which seeks to protect these lands from development until a Secondary Plan is implemented. The proposed variances will therefore allow the Retained Lot to maintain the existing uses on site, while severing the balance of the lands not subject to this Future Study Area overlay

The requested variances will also facilitate development that maintains the character of the area, by permitting one (1) new lot for a single detached dwelling, keeping with the built form of the abutting residential uses on the existing frontage along Murray Road. Where the surrounding area demonstrates various lot sizes and configurations, the proposed development offers a lot fabric and development that is compatible with surrounding properties. Given the above, the proposed development and associated minor variances are desirable and appropriate for the area and use of the land.

3.3.3 Does the variance maintain the general intent and purpose of the Town of Penetanguishene Zoning By-law 2000-02, 2019 Consolidation?

Rationale demonstrating how each variance maintains the general intent and purpose of the Zoning By-law is as follows:

Reduced Minimum Lot Frontage

The proposed severance would result in a reduced minimum lot frontage for both the Severed and Retained Lots.

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For the Retained Lot, where a minimum lot frontage of 35.0 metres is required, a minimum lot frontage of 27.0 metres is provided on County Road 93. This frontage is an existing deficiency related to the existing, non-complying dwelling on-site, as per Section 3.6.1 of the Town's Zoning By-law. The intent of this variance is to legalize this existing deficiency in accordance with Section 3.6.1. For the Severed Lot, where a minimum lot frontage of 35.0 metres is required, a minimum lot frontage of 30.0 metres is provided on Murray Road.

The general intent and purpose of the lot frontage provision is to ensure lots are appropriately sized (in area and width) to accommodate a suitable building envelope, servicing requirements (well and septic) and functional elements such as driveways, setbacks, landscaped areas, and amenity areas. The deficient lot frontages provided for both the Severed and Retained Lot will not impact the functionality of the lots as sufficient space is provided for the functional development of and safe access to the lots. Sufficient space is also provided to ensure development can maintain the recommended 30.0 metre watercourse setback on the Severed Lot to ensure no adverse impact to this feature, as identified in the EIS. Furthermore, the lots meet all other zoning provisions, save for the existing, non-complying conditions on the Retained Lot. Given the above, the proposed variances for deficient lot frontages maintain this general intent of the Zoning By-law by facilitating a lot fabric that demonstrates to functionally accommodate the proposed development and above noted features.

Reduced Interior Side Yard Setback

For the Retained Lot, where an interior side yard setback of 3.0 metres is required, a minimum interior side yard setback of 0.0 metres is provided. This setback is an existing deficiency related to the existing, non-complying dwelling on-site, as per Section 3.6.1 of the Town's Zoning By-law. Given that the intent of this variance is to legalize this existing deficiency in accordance with Section 3.6.1, the general intent and purpose of the Zoning By-law is maintained.

Reduced Minimum Ground Floor Area

For the Retained Lot, where a minimum ground floor area of 85.0 square metres is required, a minimum ground floor area of 65.0 square metres is provided within the existing dwelling. The provided minimum ground floor area is an existing deficiency related to the existing, legal non-conforming dwelling on-site. As per Section 3.7 of the Town's Zoning By-law, the

continued use of this residential dwelling shall be permitted, given that the dwelling was lawfully used for residential purposes on the day of the By-law. It is our understanding that the existing dwelling on-site has been used for residential purposes prior to the passing of the current Town Zoning By-law in 2000. As such, it is the intent of this variance is to legalize this existing deficient minimum ground floor area with respect for and in accordance with Section 3.7 of the Zoning By-law. Given the above, the general intent and purpose of the Zoning By-law is maintained.

3.3.4 Does the variance maintain the general intent and purpose of the Town of Penetanguishene Official Plan, 2018 Consolidation?

The subject lands are designated as 'Rural Area' in the Town of Penetanguishene Official Plan. The general intent and purpose of the 'Rural Area' land use designation is to accommodate for predominantly rural residential uses, such as single detached dwellings and home industries, on un-serviced or partially serviced lands. The variances required for the proposed severance align with the intent and purpose of the 'Rural Area' land use designation, by facilitating limited residential growth through the creation of one new lot for a single detached dwelling, on private well and septic. The proposed variances will also facilitate a severance that can demonstrate adherence to the land division policies in Section 6.3.5 of the Town Official Plan, as discussed in further detail in Section 4.0 of this Report.

The lands are also subject to 'Environmental Protection' and 'Future Study Area' policy overlays as per Schedule B1 of the Town Official Plan, as seen in **Figure 4**. In regards to the 'Environmental Protection' policy overlay, the proposed variances will facilitate development that is able to maintain the ecological integrity of the surrounding natural heritage features, as discussed in detail in Section 4.0 of this Report and within the EIS submitted by Birks Natural Heritage Consultants. More specifically, the Severance Sketch in **Appendix 1** demonstrates that proposed variance for a deficient lot frontage on the Severed Lot can accommodate for the functional development of a single detached dwelling while also maintaining a 30.0 metre watercourse setback to maintain adherence to the intent of the 'Environmental Protection' policy overlay.

Where the proposed variances would allow for the existing uses to be maintained on the Retained Lands as existing, legal non-conforming, this would align with the policies of

Section 3.7 of the Town Official Plan regarding 'Future Study Areas'. The 'Future Study Areas' policy overlay seeks to protect the relevant lands from new development, while permitting existing development, until a Secondary Plan is implemented. This being said, the proposed variances would not only permit the existing uses to be maintained on the Retained Lands, but would also facilitate a severance to separate the balance of the lands which are not subject to this overlay. , Given the above, the proposed minor variances will facilitate development that aligns with the objectives for the 'Rural Area' designation, 'Environmental Protection' policy overlay, and 'Future Study Area' policy overlay, thereby maintaining the general intent and purpose of the Town of Penetanguishene Official Plan.

4.0 PLANNING REVIEW

This section will outline the applicable planning and development policies impacting this application. Each section will outline the applicable policies and contain planning rationale on conformity and development principles.

4.1 PROVINCIAL POLICY STATEMENT, 2020

The subject lands are identified as lying within the Penetanguishene Primary Settlement Area. The PPS states that opportunities for intensification are encouraged within settlement areas. Factors to be considered in determining the appropriateness of intensification include the suitability of existing infrastructure, access to public service facilities, and the supply and range of housing options. The PPS also promotes more compact development that allows for the efficient use of land and resources.

The proposed development represents intensification in alignment with the policies of the PPS. The intention of the proposed severance is to facilitate more compact development within the Penetanguishene Settlement Area, that makes efficient use of the land and provides greater housing opportunities. Compact residential development will also make efficient use of the public service facilities within the settlement area. To align with the typical servicing strategy for 'Rural Area' designated lands within the local Official Plan, the proposed development will be serviced on private septic and well. This aligns with Section 1.6.6.4 of the PPS, which states that where municipal or private communal sewage and water services are not available, planned, or feasible, individual on-site sewage and water

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services may be used provided that site conditions are suitable for the long term-provision of such services with no negative impacts. Section 1.6.6.4 further states that individual on-site sewage and water services may be used for the infilling and minor rounding out of existing development within settlement areas. As the proposed development represents infill and rounding out existing development within the Penetanguishene Settlement Area, in an area where municipal sewage and water are not currently planned or available, private septic and well are appropriate to service the proposed development. The surrounding lands are similarly serviced and as such it is anticipated that site conditions are suitable for the long term provision of such services with no negative impacts, consistent with the PPS. The lot sizes provided ensure sufficient land is available to accommodate individual on site sewage and water services as required. Overall, the proposed development will provide for a more efficient use of lands and public service facilities within the Penetanguishene Settlement Area through infill development.

Sections 2.1 and 2.2 of the PPS seek to protect natural heritage and water features. A wooded area exists on the subject lands and a stream exists approximately 30.0 metres south of the site. An EIS prepared by Birks Natural Heritage Consultants has reviewed the proposed development in relation to these features, to ensure that their ecological integrity can be maintained and the development does not result in any negative impacts. As per the recommendations of the EIS, development on the Severed Lot has been proposed with a 30.0 metre setback to the watercourse south of the site (as seen in **Appendix 1**) to ensure that development will not result in any changes to the existing hydrology or impact the associated fish habitat and wetland communities. Furthermore, provided the recommendation and mitigation measures provided within the EIS are adhered to, no adverse impacts to the woodland feature or associated functions as a result of the proposed development.

Through a review of the applicable policies, the proposed development demonstrates to be consistent with the Provincial Policy Statement.

4.2 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020

The Growth Plan provides guiding policies for efficient and coordinated growth within the Province. The intent of the Growth Plan is to direct a significant portion of growth to settlement areas. Within settlement areas, growth is intended to be focused in delineated built up areas, strategic growth areas, and areas with existing or planned public service facilities, such as the Town of Penetanguishene which is identified as a Primary Settlement Area. Similar to the PPS, the Growth Plan provides housing policies with the intent of providing for a range and mix of housing options. It notes that the development of housing should have consideration for minimum intensification and density targets, as well as opportunities to diversify the housing stock.

In conformity with the policies of the Growth Plan, the proposed development directs limited infill, greenfield development, to an area within the Penetanguishene Settlement Area that is not serviced by both municipal water and wastewater systems. Taking this into consideration, the proposed severance will facilitate limited development in the form of one (1) new residential lot on private well and private septic. On a small scale, the proposed new residential lot will contribute to the housing stock of the area, thereby improving housing opportunities, making a more efficient use of land and assisting the municipality in achieving the minimum density target of 50 residents and jobs combined per hectare over greenfield lands in a manner that is compatible with the area and servicing framework. Overall, the proposed development offers limited residential intensification that is appropriate to the subject lands contributes to a more compact built form within the Penetanguishene Settlement Area, as supported by the Growth Plan.

Section 4.2 of the Growth Plan provides policies that seek to protect natural heritage features and hydrological features. The intent of these policies is to ensure that the ecological integrity of these features can be maintained through the proposed development. The Growth Plan establishes a Natural Heritage System, however per Section 4.2.2 (1), the lands are not subject to the Natural Heritage System for the Growth Plan and associated policies, as the lands lie within the Town of Penetanguishene Settlement Area boundaries. Within settlement areas, Section 4.2.2 (6) of the Growth Plan states that municipalities shall

continue to protect any natural heritage features and areas in a manner that is consistent with the PPS, and as discussed above in Section 4.1 of this Report.

Through a review of the applicable policies noted above, the proposed development demonstrates conformity to the intent and policies of the Growth Plan.

4.3 COUNTY OF SIMCOE OFFICIAL PLAN, 2016

The County of Simcoe Official Plan is the overarching policy document guiding land-use planning and growth management within the County, with the goal of providing cohesive action between provincial, regional, and municipal plans. The subject lands are designated “Settlements” on Schedule 5.1 – Land Use Designations of the County Official Plan.

Growth Management Strategy

In alignment with provincial planning policies, the County’s growth management strategy seeks to direct a significant portion of growth to settlement areas. The County’s growth management strategy also seeks to develop communities with a diverse range of housing options in order to accommodate for the needs of a growing population and changing market conditions.

In alignment with the County’s growth management strategy, the proposed development will provide for residential infill development within the Penetanguishene Settlement Area. The development will make efficient use of the land, public facilities, and amenities of the settlement area. The proposed severance will also support greater housing opportunities by contributing to the housing stock in a more compact and efficient manner within the County.

General Development Policies – Lot Creation

Section 3.3 outlines general policies to guide lot creation within the County. In adherence to this section, the proposed development seeks to create one (1) new residential lot for a single detached dwelling on lands that are zoned and designated for rural residential use. The proposed Severed Lot will also have appropriate access and frontage onto Murray

Road, while the Retained Lot will maintain frontage and access on County Road 93, in adherence to Policy 3.3.4.

Settlements

Section 3.5 provides guiding policies for the efficient and sustainable development of settlement areas. This section highlights settlement areas as being a focus for population and employment growth. It highlights that the hierarchy of settlements should be considered when allocating growth, with considerations for available water and sewage servicing, density and intensification targets, and access to public facilities and services. It further states that priority shall be given to infill and intensification proposals that utilize existing infrastructure and public service facilities. In general, a compact development form and pattern that minimizes land consumption and servicing costs is promoted for settlement areas.

The Penetanguishene Settlement Area is identified as a primary settlement area, which is emphasized as being a focal point for population and employment growth within the County. In alignment with this, the proposed development facilitates residential infill development within the existing settlement boundaries, providing for population growth while also minimizing land consumption. Accounting for the fact that private well and septic are the preferred servicing for lands designated 'Rural Area', the Severed Lot is proposed to be developed on private well and septic. Overall, the proposed development will contribute to a more compact lot fabric that is well-integrated into the surrounding area and makes efficient use of lands, services, and facilities within the Penetanguishene Settlement Area.

Infrastructure: Sewage and Water Services

Section 4.7 provides policies to promote the development of sewage and water service systems that facilitate the conservation and protection of water resources, natural heritage features, and their related ecological functions. As outlined in the Town of Penetanguishene Official Plan, 'Rural Area' lands are typically un-serviced or partially serviced, limited development may be permitted in rural areas in site specific locations. Accommodating for such local servicing strategies, Policy 4.7.6 notes that individual on-site sewage servicing and individual on-site water servicing are permitted within settlement areas where conditions are appropriate, provided that no long-term impacts are anticipated.

In alignment with these policies and the servicing strategy for the Town's 'Rural Area' lands, the proposed applications will facilitate development on private well and private septic. The Retained Lot is currently serviced by private well and septic. The Severance Sketch in **Appendix 1** seeks to demonstrate that the Severed Lot can also functionally accommodate for the required servicing; It is anticipated that a new well and new septic will be detailed at the building permit stage or could be provided as a condition of consent. The proposed servicing schematic is similar to surrounding lands and is anticipated to be suitable for the subject lands given the lot fabric, including area proposed.

Based on a review of applicable policies noted above, the proposed development demonstrates conformity to the intent and policies of the County of Simcoe Official Plan.

4.4 TOWN OF PENETANGUISHENE OFFICIAL PLAN, 2018 CONSOLIDATION

The subject lands are designated 'Rural Area' according to Schedule 'A' of the Town of Penetanguishene Official Plan. The lands are also subject to an 'Environmental Protection' and 'Future Study Areas' policy overlay as per Schedule 'B1' of the Town Official Plan.

Managing Growth

Section 2.0 outlines the Town's growth and development strategy. Significant intensification is expected for the Penetanguishene Settlement Area. While a large portion of this growth is to be directed within the Town's delineated built boundary, approximately 60% of all new residential units are anticipated to be accommodated for outside of the delineated built boundary. In alignment with this, the proposed development will accommodate for small-scale infill development outside of the Town's delineated built boundary, through the creation of one new lot for a single detached dwelling. This infill development respects the character of the surrounding area while also contributing to the Town's growth and intensification targets. Further to this, Section 2.3.1 states that future development within 'Future Study Areas' shall accommodate an average density of 50 residents and jobs per hectare. As discussed in detail below, the proposed severance application will separate lands within the 'Future Study Area' policy overlay from the balance of the lands. The

proposed severance would therefore support organized growth for the site once a Secondary Plan is implemented for the 'Future Study Area' lands.

Future Study Areas

Section 3.7 provides guidance on the development of 'Future Study Areas', which are identified on Schedule B1 of the Town Official Plan. The western portion of the site (the Retained Lot) is subject to this policy overlay, as seen in **Figure 4**. The purpose of 'Future Study Areas' is to protect certain areas from development, until the development potential is assessed, and a Secondary Plan is implemented accordingly. Until a Secondary Plan is implemented, Section 3.7 notes that existing uses are permitted to continue within 'Future Study Areas'. In adherence to the policies of this section, the proposed development will maintain the existing use on the Retained Lot. Further to this, where the 'Future Study Areas' applies only to lands within the Retained Lot, the proposed consent application can be seen to align with and support this development strategy, by severing the subject lands into two lots that can develop individually and in alignment with their respective policy considerations. In essence, the proposed severance will allow the Retained Lot to be developed in accordance with the 'Future Study Areas' policy overlay while severing the balance of the lands (Severed Lot) that are not within this overlay.

Housing

Section 3.8 outlines policies to support the provision of housing within the Town. Section 3.8.1 states that residential growth targets can be met through the intensification and infill development on lands designated and available for residential development. In alignment with this, the proposed development will contribute to the Town's residential growth targets through small-scale infill development, on lands that are appropriately designated and zoned for residential use.

Natural Heritage Features & Areas

Section 3.10 regards the protection and enhancement of Natural Heritage Features and Areas. The lands are subject to the 'Environmental Protection' policy overlay, as identified on Schedule B1 of the Official Plan and as outlined in **Figure 4**. As opposed to lands within the 'Environmental Protection Area' land use designation, where development or site alteration is prohibited, development or site alteration within the 'Environmental Protection' overlay may be permitted subject to the preparation of an EIS.

The subject lands were assessed through an EIS submitted by Birks Natural Heritage Consultants in support of this application. The EIS identifies a significant woodland feature existing on-site. As per Section 3.10.6 of the Town Official Plan, development or site alteration can be permitted within a Significant Woodland feature subject to the completion of an EIS demonstrating that there will be no negative impacts to the woodland feature or their ecological functions. The EIS has assessed the proposed development in relation to the woodland feature, and notes that the development will require the removal of 0.1% of the contiguous woodland feature, but that the loss of the woodland edge would not constitute a negative impact to the Significant Woodland feature or its ecological functions.

The EIS also identifies a stream approximately 30.0 metres south of the site. Provided that the recommendations and mitigation measures of the EIS are adhered to, the ecological integrity of the stream can be maintained. These measures include the implementation of a 30.0 metre watercourse setback as demonstrated in **Appendix 1**, as well as mitigation measures such as construction fencing and the implementation of a sediment control plan. The recommendations and mitigation measures are further detailed in the EIS; a condition of approval would be appropriate to ensure these measures are appropriately implemented prior to development occurring.

Water Resources

Section 3.13 provides policies in relation to watershed management and source protection. The western portion of the subject site is identified as lying within a Significant Groundwater Recharge Area (SRGA) as per Schedule B2 of the Town Official Plan. Given that the existing uses will be maintained on the western portion of the site (Retained Lot) with no further development proposed, no impacts to the SRGA are anticipated from the development. The SRGA does not apply to the Severed Lot.

Rural Area

Section 4.9 provides guiding policies for lands designated 'Rural Area'. The intent of the 'Rural Area' designation is to accommodate for predominantly rural residential uses, such

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as single detached dwellings. Lands within the 'Rural Area' are noted as being typically un-serviced or partially serviced. Accordingly, limited residential development is permitted on 'Rural Area' lands, subject to adherence of the land division policies in Section 6.3.5 of the Town Official Plan. It is also noted that development within the 'Rural Area' designation may be subject to development constraints in accordance with the policies of Section 3.10 regarding natural heritage features and resources.

In adherence to the policies of this section, the proposed development will accommodate limited residential development in the form of one (1) new lot for a single detached dwelling. The proposed lot will be serviced by private well and septic, as is typical for 'Rural Area' lands. The proposed development also adheres to the policies of Section 6.3.5 and Section 3.10, as discussed in detail below and throughout this Report.

Section 4.9.2 provides additional policies to be adhered to for residential uses within the 'Rural Area' designation, as follows:

1. Of the limited residential development permitted in the Rural Area, development shall only occur if it does not impact the character of the Rural Area, protects the wooded and scenic landscapes as well as ensure that no areas of wildlife habitat are adversely impacted, in accordance with Section 3.11.

Comment: The proposed development will maintain, and not adversely impact, the character of the surrounding area. The proposed development will provide for the creation of one (1) new lot for a single detached dwelling, as permitted by the current zoning and in an area where there are abutting low-density residential lots. The Severed Lot demonstrates sufficient space to accommodate for an appropriately sized single detached dwelling that maintains compatibility with the size and massing of the surrounding dwellings, while also maintaining the wooded and scenic landscape of the site. The streetscape will also be maintained as the Severed Lot will be accommodated for on the existing frontage onto Murray Road. An EIS submitted by Birks Natural Heritage Consultants has been prepared in support of this application, which provides recommendations and mitigation measures to ensure that no wildlife habitat areas are directly, adversely impacted by the proposed development. Further to this, the EIS notes that the Severed Lot does not contain features which would support habitat for rare or

at-risk wildlife species, and that the subject property does not contain any candidate Significant Wildlife Habitat.

2. That lot sizes proposed for the development shall be of an adequate size to accommodate a dwelling and only permit the removal of trees, etc. for a building envelope, and a driveway.

Comment: The proposed lot sizes demonstrate adequate space to accommodate a dwelling, driveway, and required septic and wells. The Retained Lot will maintain the existing use on-site, while a conceptual dwelling, driveway, and septic are demonstrated for the Severed Lot, as seen on the Severance Sketch in **Appendix 1** which minimizes tree removal; tree retention can be further addressed through a condition of approval if required.

3. Any lands to be developed in the Rural Area shall generally have access to a public road maintained year-round by the Town, except in accordance with Section 5.2.

Comment: Both the Severed and Retained Lots will have access to a public road maintained year-round. The Retained Lot will maintain access off County Road 93, while the Severed Lot will be required to obtain an entrance permit onto Murray Road.

4. Development shall not be permitted in areas susceptible to flooding or any other hazards in accordance with Section 3.11.

Comment: The proposed development is not in an area that has been identified as being susceptible to flooding or any other hazards.

6. Development shall meet the servicing policies of Section 5.3.

Comment: The development meets the servicing policies of Section 5.3, as discussed in detail below.

Infrastructure

Section 5.0 outlines policies to support the efficient development of the Town's transportation system, including roads, cycling infrastructure and trails. Section 5.2.1

provides specific policies regarding County Road 93 (Simcoe Road 93), which is owned and maintained by the County of Simcoe. Where the Retained Lot will maintain the existing use on-site and existing access onto County Road 93, and as the Severed Lot will be accessed through Murray Road, no adverse impacts to County Road 93 are anticipated from the proposed development. As per Section 5.2.3, the Severed Lot can be permitted direct access to Murray Road (local road), provided the access point offers adequate sight lines. It is anticipated that appropriate access onto Murray Road will be determined through an entrance permit application for the Severed Lot.

Through Schedule C of the Town Official Plan, the Severed Lot is also identified as lying adjacent to a trail system that provides direct access to the downtown and waterfront area, as well as linkages to public facilities. Access to this trail system promotes the use of alternative modal choices including active transportation, which in turn has the potential to reduce parking demand in alignment with the Town's transportation objectives.

Section 5.3.2 notes that development, including lot creation, can be established on private servicing systems (water and sewage), particularly within the 'Rural Area' and 'Shoreline Area'. It further states that all lots should be sufficiently sized to accommodate for a building envelope, sewage envelope, sewage system contingency area, and potable water supply. The Severance Sketch provided in **Appendix 1** seeks to demonstrate that the Severed Lot can functionally accommodate for the required servicing, by outlining a conceptual dwelling, septic tank, septic bed, and sufficient space for a well. The existing servicing for the existing dwelling on-site will be fully accommodated within the Retained Lot. It is anticipated that the development of new private services on the Severed Lot will be detailed through a subsequent Building Permit Application, to ensure adherence to Town Engineering standards.

Consents

Section 6.3.5.2 provides policies to guide consent applications within the Town, as per the following:

1. A consent should only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and generally, the consent shall not result in the creation of more than five new lots in a single application. Where feasible and applicable, the Town should limit strip development (linear development along a road) and require the clustering of lots to minimize the use of land.

Comment: A plan of subdivision is deemed unnecessary, as the proposed development will accommodate for one (1) new lot with no new roads or public infrastructure required. The proposed consent application conforms with the policies of the Town Official Plan and is consistent with the Provincial Policy Statement, as discussed throughout this Report. The proposed development avoids strip development by accommodating for development on an existing frontage of the current through lot and makes for more efficient use of the subject lands in a compatible manner.

3. The following policies shall be used to evaluate consent applications in all designations of this Official Plan, in addition to other provisions of this Plan, which may be applicable to a particular application.
 - a. Road Access
 - i. The lot to be retained and the lot to be severed shall have frontage on and access to an open, improved public road which is maintained on a year-round basis.
 - ii. Lots shall not be created which would create a traffic hazard due to limited sight lines on curves or grades.
 - iii. Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.
 - iv. Notwithstanding subsection i., the lot to be retained and the lot to be severed may have frontage on and access to a Private Road where the consent is to separate two existing dwellings on a lot of record.

Comment: The Severed Lot will have frontage and access onto Murray Road, while the Retained Lot will maintain frontage and access onto County Road 93; both roads

are public roads that are maintained on a year-round basis. It is anticipated that a subsequent entrance permit application will be submitted for the Severed Lot, ensuring that no traffic hazards are created which is not anticipated.

b. Lot Size

- i. The lot area and frontage of both the lot to be retained and the lot to be severed shall be adequate for existing and proposed uses and shall allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering.
- ii. The proposed lots shall comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, the Town may amend the standards in the Bylaw or a minor variance may be granted as a condition of approval, where that action is considered appropriate.

Comment: The lot area and frontage of both the Severed and Retained Lots are adequate to accommodate the existing and proposed uses. A Severance Sketch provided in **Appendix 1** demonstrates the proposed lot configuration, showing sufficient setbacks and conceptual development on the Severed Lot. Four (4) minor variances are proposed, three of which to legalize existing, non-complying conditions and one to permit a reduced lot frontage of 27m where 35m is required. This proposed frontage is considered adequate for the proposed use of one single detached dwelling within a rural residential area of a primary settlement area.

c. Proper Development of Adjacent Lands

- i. The proposed lot(s) shall not restrict the development of other parcels of land, particularly the provision of access to allow the development of remnant parcels in the interior of a block of land.

Comment: The proposed consent application reflects infill development that will not restrict the development of other parcels of lands. To the contrary, this application will separate lands within the 'Future Study Area' policy overlay which are anticipated

to accommodate future development upon completion of additional study from otherwise rural area lands.

d. Parkland Dedication

- i. Where a consent is approved, the parkland dedication policies of Section 6.3.11.2 shall apply.

Comment: Noted.

e. Municipal Services

- i. Connection shall be made to municipal services provided they are available. Where they are not, individual water and sewage services may be permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Comment: The Retained Lot will continue to be serviced by the existing private water and sewage services. The Severed Lot will be serviced by private water and sewage services. Understanding that the existing site and abutting residential lots are serviced on private well and septic with no adverse impacts, it is anticipated that the site conditions are suitable for the long-term provision of such services for the Severed Lot. The development of new private services on the Severed Lot will be detailed through a subsequent Building Permit Application, to ensure no negative impacts and adherence to Town Engineering standards.

- f. The Town may require the following conditions of approval of a consent application for the severed lot and/or retained lot where such a condition is appropriate: (i)-(x).

Comment: Noted.

- g. Consents for building purposes shall not be permitted under the following circumstances:

- i. the land is located within any Natural Heritage Features and Areas, and a suitable building site cannot be found through the evaluation completed in an Environment Impact Study;
- ii. the land is located in a floodway;
- iii. the land is located on or within 300 metres of an area ,as identified by the Province;
- iv. Provincial or Town transportation objectives, standards or policies cannot be maintained; or
- v. the created and retained parcels cannot be provided with an adequate level of service.

Comment: An EIS, submitted by Birks Natural Heritage Consultants in support of this application, has identified that the subject lands contain significant woodlands and have identified a stream approximately 30.0 metres south of the site. A suitable building site has been provided in respect of the stream and woodlands feature, as shown on the Severance Sketch in **Appendix 1**, and as further discussed within the EIS. The site is not located in a floodway. Adequate service levels and the transportation objectives of the Town can be maintained through this development, as discussed throughout this Report.

Based on a review of applicable policies noted above, the proposed development demonstrates conformity to the intent and policies of the Town of Penetanguishene Official Plan.

5.0 CONCLUSION

The purpose of the proposed applications is to facilitate the creation of one (1) new lot for low-density residential development within the Penetanguishene Settlement Area and through the permission of four (4) minor variances. Three variances seek to legalize existing deficiencies of the site, and one to permit a reduced lot frontage on Murray Road. It is noted that this frontage currently exists in the form of a rear lot line of the existing lot. The proposed lot creation is not anticipated to result in any adverse impact on land use planning considerations or the character of the surrounding area, including natural heritage features

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and their functions. Overall, the proposed development reflects limited residential development within an identified Primary Settlement Area that makes efficient use of the land, existing services, infrastructure and amenities while contributing one new residential dwelling and increase tax base in a manner that is compatible with the surrounding area.

The requested severance and minor variances demonstrate consistency with and conforms to applicable Provincial, County, and Municipal planning policies and principles. It is our professional opinion that the proposed development represents good planning.

Respectfully submitted,

Innovative Planning Solutions



Greg Barker, B.A.A.
Partner

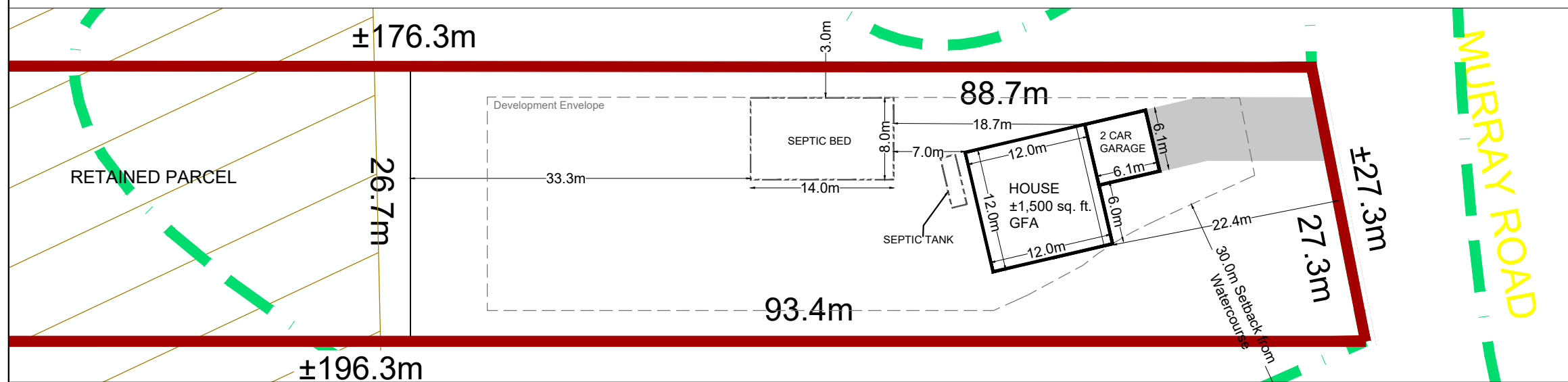


Karla Tamayo, M.Pl.
Planner

***APPENDIX 1:
SEVERANCE SKETCH***



SEVERED PARCEL - CONCEPTUAL LAYOUT



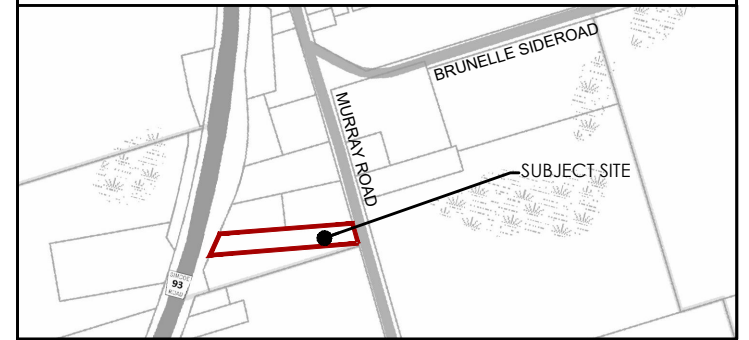
SEVERANCE SKETCH
9795 COUNTY ROAD 93

FUTURE STUDY AREA
(Official Plan - Schedule B1: Policy Overlays - Feb 2019)

ENVIRONMENTAL PROTECTION
(Official Plan - Schedule B1: Policy Overlays - Feb 2019)

WATERCOURSE

Key Map



LEGAL DESCRIP.
PART OF LOT 112, CONCESSION 1, WOPR
GEOGRAPHIC TOWNSHIP OF TAY
TOWN OF PENETANGISHENE
COUNTY OF SIMCOE

LEGEND

SUBJECT SITE (±0.501 ha.)

Site Statistics - Severed Parcel (RU)

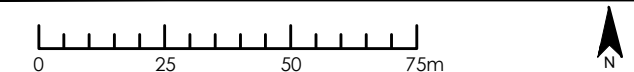
	Required	Provided
Lot Area - Gross (min.)	2,000m ²	±2,437m ²
Lot Frontage (min.)	35.0m	± 27.3m
Setback (min.)		
Front Yard	7.5m	±22.4m
Exterior Side Yard	7.5m	n/a
Interior Side Yard	3.0m	±3.0m
Rear Yard	7.5m	±54.2m
Potential Lot Coverage (max.)	35.0% ±852m ²	7.4% ±181.1m ²
Ground Floor Area (min.)	85.0m ² 915ft ²	±143m ² ±1,550ft ²
Height (max.)	11.0m	<11.0m

Site Statistics - Retained Parcel (RU)

	Required	Provided
Lot Area - Gross (min.)	2,000m ²	±2,574m ²
Lot Frontage (min.)	35.0m	± 30.7m
Setback (min.)		
Front Yard	7.5m	±25.5m
Exterior Side Yard	7.5m	n/a
Interior Side Yard	3.0m	±0.0m
Rear Yard	7.5m	±61.0m
Potential Lot Coverage (max.)	35.0% ±900m ²	2.7% ±69.0m ²
Ground Floor Area (min.)	85.0m ² 915ft ²	±69m ² ±743ft ²
Height (max.)	11.0m	<11.0m

Does not meet RU Zoning Requirements

Note: This drawing is for discussion purposes only.
The information shown is approximate and subject to change.



Date: May 6, 2020 Scale: 1:750
File: 20-974 Drawn By: M.P.

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