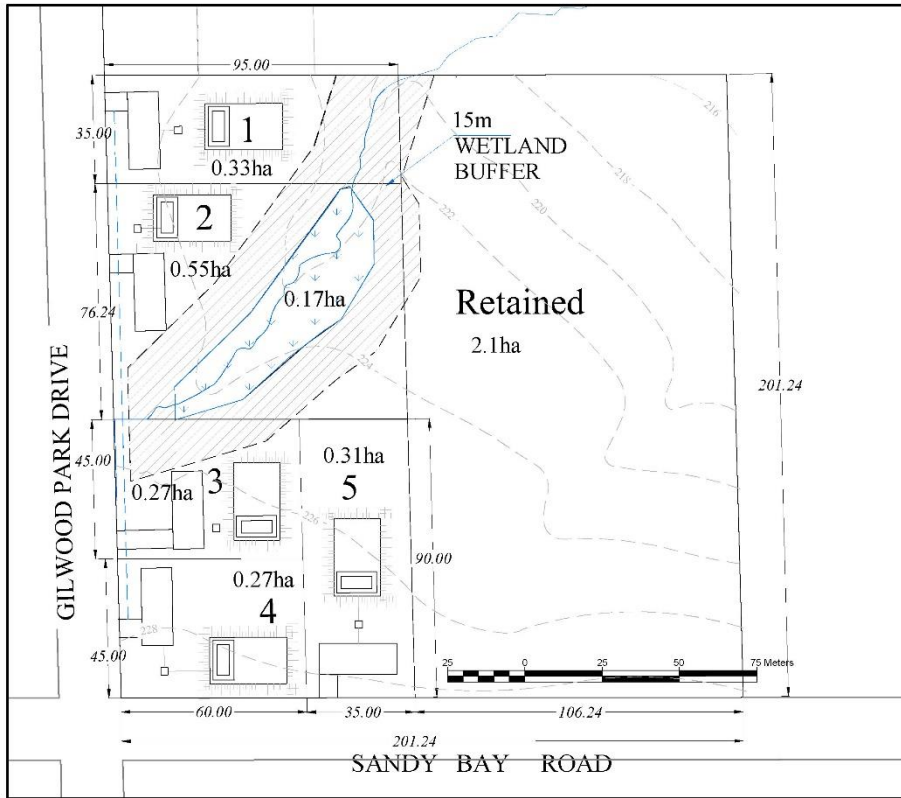


PLANNING JUSTIFICATION REPORT

In connection with a Consent to Land Severance Application for Five Single Detached Residential Dwelling Lots made by Gilwood Farms Inc. for lands within Part of Lot 14, Concession 3 of the Geographic Township of Tay, Town of Penetanguishene.

Site Plan



Gilwood Farms Inc.
1230 Sandy Bay Road
Part of Lot 14, Concession 3
Geographic Township of Tay
Town of Penetanguishene



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GIL-2021-01
December 2021

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Planning Justification Report
1230 Sandy Bay Road
Lot 14, Concession 3, Geographic Township of Tay, Town of
Penetanguishene
Proposed Consent to Land Severance Application

1.0 INTRODUCTION

The purpose of this planning report is to review an application for Consent to Land Severance. The application is being submitted on behalf of the landowner, Gilwood Farms Inc. (Mr. Martin Kiener) by the Goodreid Planning Group.

The subject property is approximately 4.0 hectares in size (40,000 sq m) and located on the east side of Gilwood Park Drive and north side of Sandy Bay Road in Lot 14, Concession 3 of the Geographic Township of Tay, now in the Town of Penetanguishene.

The Consent to Land Severance application is intended to sever five rural residential lots from a 4.0 ha rural parcel sized for municipal water and private septic systems.

In terms of land use policies, the subject property is classified as Settlement designation by the Official Plan for the County of Simcoe and Rural Designation by the Official Plan for the Town of Penetanguishene. The County Plan establishes the principle of development for Settlement land uses including single detached dwellings. The Rural Designation of the Town's Official Plan establishes the principle of residential development and supports up to five (5) severed single detached dwelling lots in an application, subject to addressing natural heritage features and functions on the site through an environmental impact study.

In terms of zoning, the Zoning By-law for the Town of Penetanguishene classifies the subject property as Rural (RU) Zone. The severance proposal will not involve a rezoning as the severed and retained residential lots will all have a minimum lot area in excess of 2,000 m² and have a minimum lot frontage of 35 m or more.

The Consent to Land Severance application is intended to sever five (5) single detached dwelling lots from a 4.0 hectare-parcel all in accordance with the Rural (RU) Zone.

As part of the preparation of the consent to land severance proposal, the Goodreid Planning Group did consult with County of Simcoe and Town of Penetanguishene Planning staff on several occasions to refine the development proposal and address any municipal planning concerns. The County and Town planning staff input was taken into account in the Planning Justification Report.

The completed Consent to Land Severance application, together with the Planning Justification Report of Brian Goodreid, MCIP, RPP of the Goodreid Planning Group, the Environmental Impact Study by Neil Morris, Consulting Ecologist and the Functional Servicing Design Brief of Kevin Bobechko, P. Eng. of the Kardin Group will permit for a comprehensive review of the Proposal. This Proposal has been prepared to be consistent with applicable Provincial Policies and Plans and conform to the County of Simcoe Official Plan and the Town of Penetanguishene Official Plan and Comprehensive Zoning By-law.

2.0 SITE DESCRIPTION & CONTEXT

This section of the report details the characteristics of the subject property within the context of the Town of Penetanguishene. It is our understanding that the subject property is forested land and had a dilapidated single detached dwelling on the land until it was demolished earlier this year. The subject property is identified on Figure 1: Location Plan.

2.1 *Site Description*

The subject property is comprised of a rectangular shaped parcel of land in the Gilwood Bay Area of the Town of Penetanguishene. It is located in Part of Lot 14, Concession 3 of the Town, and is comprised of approximately 4.0 hectares of forested land. The subject property is bounded to the north and east by the Universalbau Corporation Severance Plan lands and to the west by Gilwood Park Drive and to the south by Sandy Bay Road, both Town roads. The subject property is approximately 600 m away from Georgian Bay.

2.1.1 Topography

The existing topography of the subject property slopes towards Georgian Bay with a decrease in elevation from the southwest corner of the property (228 m ASL) to a topographic low in the northeast portion of the property (215 m ASL). Thus, there is approximately a 13 m decrease in elevation across the property. Figure 1 illustrates the location of the subject property as well as the drainage channel that traverses the property from southwest to northeast including a 0.17 ha unevaluated wetland (1,700 sq m in size) and the location the former building on the subject property. Overall, all of the proposed lots slope away from their public road frontages. The watercourse and wetland features occupy a small valley that is demarked by relatively abrupt outer ridges. The valley floor forms a small plateau that sits about 1-2 metres below surrounding grade. and is a well-defined except through the southerly portion of the property. The overburden on the subject property consists of well sorted outwash materials on calcareous bedrock. Vasey Sandy Loam is present throughout the property and has good drainage. Within the wetland there is a

Site Location
1230 Sandy Bay
Road, Lot 14,
Concession 3, Town
of Penetanguishene
Ontario

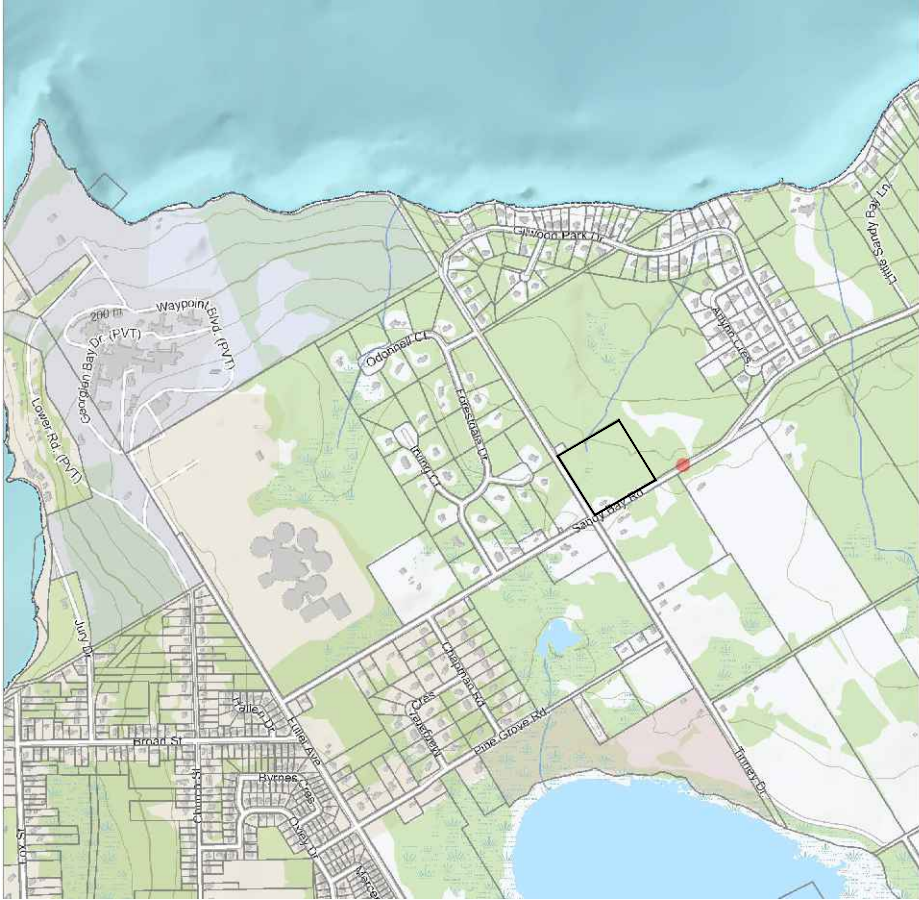


Figure 1



shallow layer of organic soils and there are small pockets of organic surface soils present in seepage areas.

The initial direction of drainage from the culvert under Sandy Bay Road within proposed Lots 1, 2 and 3 was generally towards the watercourse. The flow from the culvert was recently redirected from the NW corner of Lot 3 flowing north within the roadside ditch for 15 m, then discharging to the existing water course between proposed Lots 2 and 3. Proposed Lots 4 and 5 appear to drain towards the lower part of the property in the NE, with a minor portion of these lots draining directly towards the section of the watercourse that traverses the property via Lot 3.

2.1.2 Vegetation

The subject property is covered with varying deciduous species as determined in the Environmental Impact Study submitted with this Planning Justification Report. The forest cover over the area of proposed Lots 1 and 2, west of the watercourse is made up of the ELC community of Fresh-Moist Oak, Sugar Maple Deciduous Forest. Forest cover is comprised of red oak, sugar maple, trembling aspen and white ash. Moving east from the public road towards the watercourse the ELC community transitions to Dry Poplar Deciduous Forest. Over a large portion of the property (approximately 3.0 ha) including portions of Lots 2, 3, 4 and 5 and most of the retained parcel sugar maple is the dominant forest canopy. In more elevated portions of the property including the proposed lots sugar maples occur with white ash, scattered red oak, basswood and trembling aspen. This forest cover is consistent with Dry Fresh Sugar Maple Deciduous Forest Ecosite. In the lower areas the community characteristics are Fresh-Moist Sugar Maple – Hardwood Deciduous Forest. There is also a small 0.2 ha pocket abutting Sandy Bay Road, overlapping Lot 5 and the retained parcel, where black walnut is the predominant canopy constituent. The walnut trees are scattered around the old stone building foundations.

2.1.3 Access

Ingress and egress to the subject property for the five severed residential lots and the retained parcel is to be gained from Sandy Bay Road and/or Gilwood Park Drive. The subject property is located on two-lane paved Town roads with a rural cross-section. The roadway width for both Town roads at this location is 20 m. The posted speed limit is 60 km/hr.

2.2 Site Context

The subject property is located in the rural portion of the Town of Penetanguishene settlement area. The subject property is located on two paved Town roads with rural cross-sections. The ROW width for the Town Road at this location is approximately 20 m.

Existing land uses in the vicinity of the subject lands include shoreline residential and low density residential, and rural land uses as follows:

- **North** - Immediately to the north on Gilwood Park Drive are five (5) approved severed lots of Universalbau Corporation (vacant).
- **East** - Immediately to the east is the retained parcel associated with the five (5) approved severed lots of Universalbau Corporation.
- **South** - Immediately to the south is Sandy Bay Road as well as rural and rural residential land uses.
- **West** - Immediately on the west is Gilwood Park Drive and further west is an established rural residential subdivision.

The land uses in the areas described above are illustrated on Figure 2 – Surrounding Land Use. The subject property is located in the rural area in proximity to a rural residential subdivision, five (5) vacant severed residential lots as well as isolated rural residential lots and is approximately 400 m south of the established shoreline residential area opposite Georgian Bay.

3.0 THE PROPOSAL

This Planning Justification Report accompanies an application for Consent to Land Severance.

The proposed Consent to Land Severance is to sever the 1230 Sandy Bay Road parcel into five severed lots and one retained parcel of land. A small area of the subject property was previously cleared of vegetation for a former single detached dwelling use. The balance of the property remains forested. The proposed severed lots and retained parcel all have lot areas and frontages of a minimum of 2,000 sq m and 35 m, respectively.

Figure 3 – Severance Plan illustrates the proposed severed and retained parcels and is based upon the proposed development.

Severed Parcels

Severed Lots 1 -3 front onto Gilwood Park Drive, Lot 4 fronts onto Gilwood Park Drive and Sandy Bay Road and Lot 5 fronts onto Sandy Bay Road. The severed lot areas and frontages vary from 2,700 sq m to 5,500 sq m (areas) and 35 m to 76 m (frontages). There is a drainage course in Lots 1 – 3 and an unevaluated wetland area within Lots 2 and 3.

Surrounding Land Use
1230 Sandy Bay Road, Lot 14,
Concession 3,
Town of
Penetanguishene
Ontario

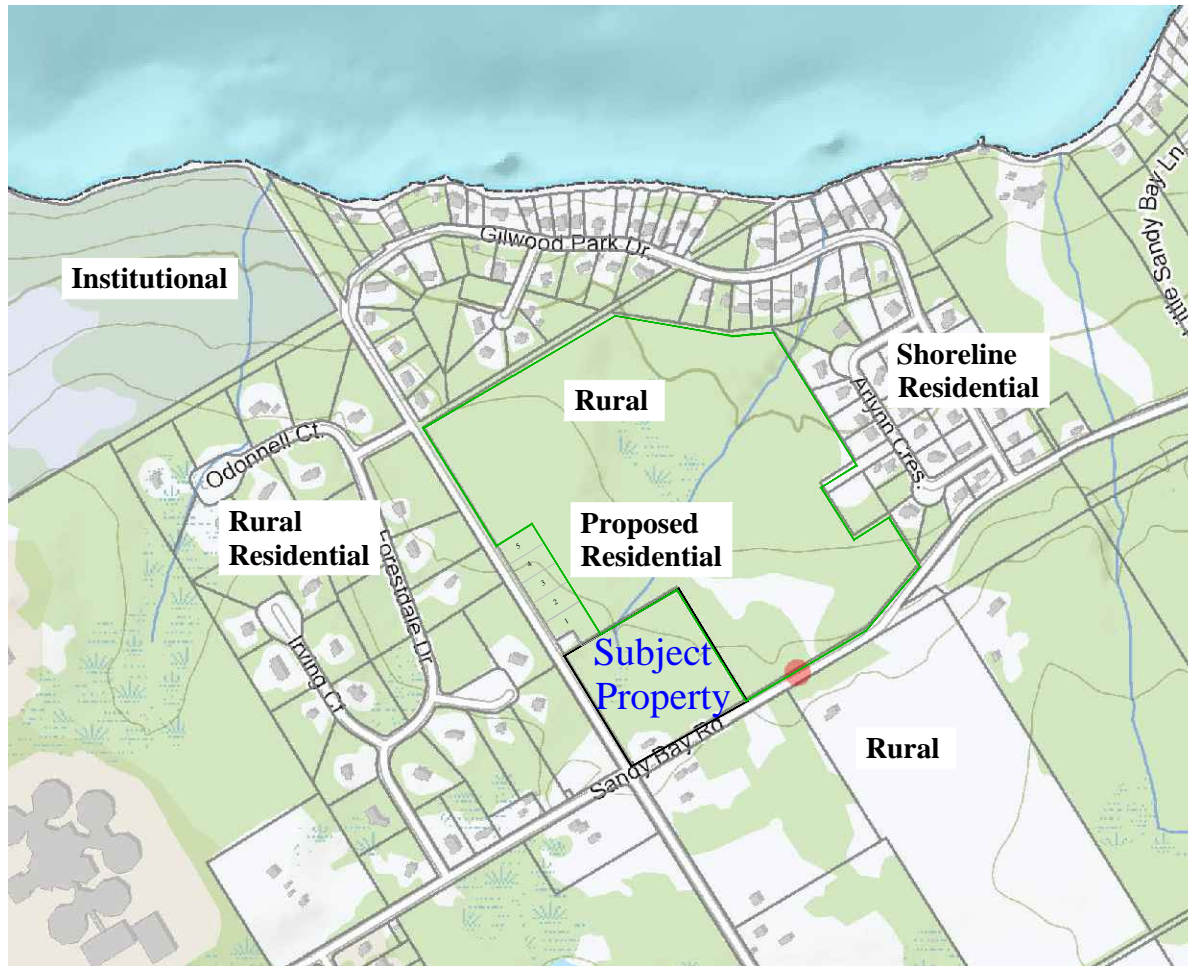


Figure 2



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Severance Plan
 1230 Sandy Bay
 Road, Lot 14,
 Concession 3,
 Town of
 Penetanguishene
 Ontario

GILWOOD PARK DRIVE

SANDY BAY ROAD

15m
 WETLAND
 BUFFER

Retained
 2.1ha

1
 0.33ha

2
 0.55ha

3
 0.27ha

4
 0.27ha

5
 0.31ha

0.17ha

201.24

90.00

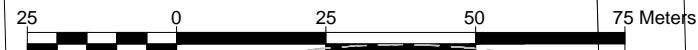


Figure 3



Retained Parcel

The retained parcel has a lot area and lot frontage of 2.1 ha (21,000 sq m) and lot frontage of 106.24 m. The severed lots and the retained parcel will all comply with the Rural (RU) Zone requirements applicable to the subject property for one single detached dwelling on a lot.

No additional residential development is proposed by the landowner through this land severance application.

Figure 4: Site Plan illustrates the location for a typical severed lot (Lots 1-5) of the proposed driveway, the municipal piped water service connection, the building footprint, the septic tank, the filter bed area, the mantle and the 4:1 slope area from the septic bed to meet the surrounding grade on the lot.

The sewage system design size details from the Functional Servicing Design Brief are as follows:

- Percolation Rate = 25 min/cm
- Daily Design Flow Rate= 3000 L/d
- Filter Bed Area = 40 m²
- Filter Extended Area (includes Filter Bed) = 88 m²
- Mantle Area (including Extended Area) = 375 m²
- Mantle Area (excluding Extended Area) = 287 m²

The assumptions made in the Functional Servicing Design Brief are Filter Bed dimensions of 4m x 10m, with a 0.25 thick extended area of 6.8m x 13m and a 0.25m thick Mantle (including filter and extended areas) of 15m x 25m. The size of Mantle is the potential footprint of the septic bed system. The configuration could be made slightly wider to reduce the depth. However, a minimum Mantle of 15m downgradient of the last distribution pipe is required. The layout in this figure assumes a raised bed, 1m above existing grade, with a 4:1 slope down to existing lot grade.

4.0 PLANNING POLICY OVERVIEW AND STATUTES

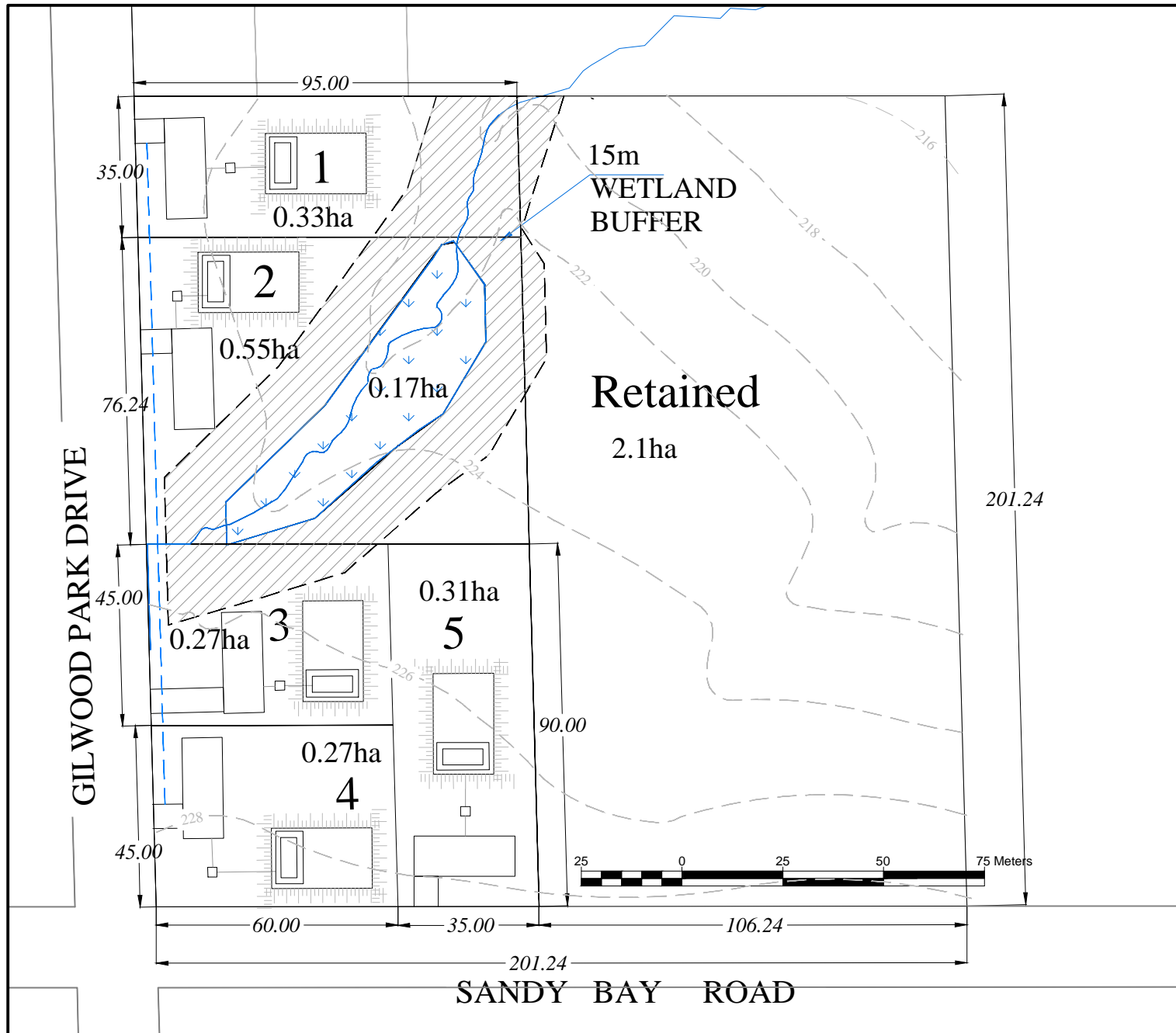
The following subsections summarize land use planning policies and applicable statutes established by the Province, the County of Simcoe and the Town of Penetanguishene.

The following subsections summarize land use planning policies established by the Province, the County of Simcoe and the Town of Penetanguishene.

Site Plan -
 1230 Sandy Bay
 Road, Lot 14,
 Concession 3,
 Town of
 Penetanguishene
 Ontario

Typical Layout
 (Conceptual)

Figure 4



4.1 PROVINCIAL POLICY STATEMENT 2020 (PPS)

The 2020 PPS will come into effect on May 1, 2020 and replaced the 2014 PPS document. The PPS is a key part of Ontario's policy-led planning system and provides policy direction on matters of Provincial interest related to land use planning and development. All decisions made on or after May 1, 2020 in accordance with Section 3 of the Planning Act must be consistent with the PPS.

After reviewing the PPS in detail, it is our opinion as planners that the Gilwood Farms Inc. proposed consent to land severance application is consistent with the PPS. While all of the policies of the PPS have been considered several relevant sections are highlighted below for review. The highlighted Sections address how to build strong communities and the importance of focusing growth and development within the settlement areas such as the Town of Penetanguishene. The whole Town is designated Settlement by the Simcoe County Official Plan.

4.1.1 Building Strong Communities

Section 1.1 of the PPS seeks to sustain healthy, liveable and safe communities by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the term; accommodating an appropriate range and mix of housing, employment, institutional, recreation park and open space and other uses to meet long term needs; avoiding land use patterns that may cause environmental or public health or safety concerns; avoiding development patterns that prevent the efficient expansion of settlement areas; promoting cost effective development patterns; improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which prevent full participation in society; ensuring that necessary infrastructure, electrical generation facilities, and transmission and distribution systems and public service facilities are or will be available; and promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change.

4.1.2 Settlement Areas

Section 1.1.3, Settlement Areas of the PPS, states that the vitality of settlement areas is critical to the long-term prosperity of our communities. This section clarifies that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. This section continues and states that land use patterns within settlement areas shall be based upon densities and a mix of land uses which: effectively use land and resources; effectively use infrastructure and public service facilities; minimize negative impacts on air quality and climate change, and promote energy efficiency, and support active transportation. This section continues on and states that planning authorities should identify appropriate locations and promote opportunities for intensification and redevelopment.

The PPS supports Building Strong Communities (healthy, liveable and safe places) and Settlement Areas being the focus of growth and development of a community. The Town of Penetanguishene is identified as a settlement area and is one of a number of identified communities to be the focus of growth and development in the Simcoe County context. The subject property is recognized by the Town Official Plan as being Rural Designation and supports the division of land for a limited number of land severances for low density residential use. The Gilwood Farms Inc. proposed severed lots will contribute towards the orderly, progressive development of Penetanguishene and will utilize municipal water and infrastructure already available in this part of the Town.

4.1.3 Planning Opinion on Consistency of Proposal with the PPS

In summary and as referenced above it is our opinion as planners that the Gilwood Farms Inc. consent to land severance application is consistent with the PPS.

4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020

This legislation came into effect June 16, 2006 to build stronger communities and to better manage growth in and around the Greater Golden Horseshoe. This legislation supersedes all other provincial and lower tier planning policies and where it does not, the more restrictive policies will apply. The policies within the Places to Grow document were revised on January 19, 2012 to address the Simcoe Sub-Area and further revised to update population and employment forecasts on June 17, 2013 and then replaced in July 1, 2017 by a new Growth Plan. The Growth Plan was subsequently further updated on May 2, 2019 and again on August 28, 2020.

After reviewing the Growth Plan in detail, it is our opinion as planners that the Gilwood Farms Inc. proposed consent to land severance application is in keeping with the Growth Plan. While all of the policies of the Growth Plan have been considered several relevant sections are highlighted below for review. The highlighted Sections address how and where to grow as well as managing growth and development directed to settlement areas.

4.2.1 Where and How to Grow

A primary goal of The Growth Plan is to direct growth to built-up areas where intensification can utilize existing infrastructure. The Growth Plan also seeks to direct development to settlement areas that offer municipal or communal water and wastewater systems. The Gilwood Farms Inc. land severance affects land where municipal services, notably piped water supply and public road access are available.

The principal policy considerations for the Gilwood Farms Inc. consent to land severance application relates to the sub-sections of Managing Growth and Designated Greenfield Areas.

4.2.2 Managing Growth:

Population and employment growth are guided by a planning policy framework directing growth to the built-up areas; focusing intensification in intensification areas; building compact communities in designated greenfield areas; planning for a balance of population and employment (jobs); encouraging the development of complete communities; and directing growth to settlement areas with full municipal or private communal services. The small single detached lots of approximately 2,000 sq m will each contribute to meeting an overall density across the Town of 50 persons and jobs per hectare.

4.2.3 Designated Greenfield Areas and Built-up Areas

Development taking place in designated greenfield areas as is the case with the Gilwood Farms Inc. is to be planned and designed in a manner that contributes to the orderly development of the Town and will contribute to a more compact housing form within the Town.

4.2.4 Population and Employment Targets

The Population and Employment Targets of the Growth Plan established for the Town of Penetanguishene by Schedule 7 are 11,000 population and 6,000 jobs to 2031.

4.2.5 Intensification Targets and Density Targets

The minimum intensification target under the Growth Plan for the Town of Penetanguishene is 40% and the minimum density target for the Town is 50 residents and jobs per hectare in accordance with the Growth Plan. As the subject property is not within the built boundary the intensification target is not applicable. The proposed consent to land severance will result in an increase of five dwellings and will contribute to the Town meeting the density requirement for the Growth Plan.

In the context of the Growth Plan the consent to land severance application will increase the number of proposed dwellings and population by five dwellings and by approximately 15 persons based upon an anticipated occupancy of 3 persons per dwelling unit. The job creation estimated for home-based businesses would be approximately 5% of population. The home-based jobs for the proposed severed parcels are estimated to be 0 jobs. Based upon 15 persons and 0 jobs within the 1.9 hectare of total land being severed, the density on the lands being severed is 7.9 persons and jobs per hectare. When the watercourse and wetland and related environmental buffers shown on Figure 3: Severance Plan are excluded in the calculation the density, the density in persons and jobs per hectare will increase. This proposed density will contribute to meeting the density requirements of the Growth Plan and the Simcoe County Official Plan.

4.2.6 Infrastructure to Support Growth

With respect to infrastructure, existing infrastructure is available to service the proposed development including public street and municipal water supply services.

4.2.7 Planning Opinion on Conformity of Proposal to the Growth Plan

In summary the Gilwood Farms Inc. proposal as described herein in our opinion as planners is in conformity with the Growth Plan.

4.3 CRITERIA TO HAVE REGARD TO UNDER THE PLANNING ACT

The proposed severed and retained parcels, like plans of subdivision, must have regard to those criteria/matters referenced in Section 51 (24) of the Planning Act, where applicable. The criteria/matters are set out below with regular letters and our planning responses in bold italics as follows:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2. ***The severance application does not impact matters of provincial interest.***
- b) whether the proposed subdivision is premature or in the public interest. ***This proposal is not premature and is in the public interest. Limited low-density residential land uses are supported in the Rural designation of the Town of Penetanguishene by land severance.***
- c) whether the plan conforms to the official plan and adjacent plans of subdivision if any. ***The consent proposal conforms to the County and Town Official Plans and does not conflict with adjacent subdivided lots. The proposed severed lots do not conflict with adjacent severed or subdivision lots.***
- d) The suitability of the land for the purposes for which it is to be subdivided. ***The subject lands are suitable for the proposed residential development. Environmental, civil engineering and planning analyses have demonstrated this is the case.***
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them. ***The suitability of the public roads to service the proposed residential lots has been addressed in civil engineering analyses. No change is proposed in that regard as these roadways meet the access needs of the proposed land uses on the subject property.***

- f) The dimensions and shapes of the proposed lots. ***The severed and retained parcel dimensions and shapes are appropriate and in keeping with the Rural (RU) Zone standards for single detached dwellings on the severed lots and on the retained parcel.***
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land. ***The zoning by-law regulations of the RU Zone applicable to the proposed lots will permit one single detached dwelling on each severed lot and the retained parcel and contain appropriate development regulations for permitted land uses.***
- h) Conservation of natural resources and flood control. ***This criteria/matter is not applicable in the case of this limited proposal as determined in the environmental and civil engineering analyses for the project.***
- i) the adequacy of utilities and municipal services. ***The utilities and municipal services to the severed lots and the retained parcel currently meet the requirements of the proposed development. Municipal water and private sewage systems are proposed. Development servicing is addressed in the civil engineering analysis provided.***
- j) the adequacy of school sites. ***This small proposal is not anticipated to impact schools.***
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. ***No land dedication for public purposes is proposed for this limited proposal.***
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy. ***This limited severance proposal does not represent a significant change in land use, reflects the development contemplated in this area by the Town's Official Plan and as such this requirement is maintained.***
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in a site plan control area designated under Subsection 41 (2) of the Act. ***Site Plan control is not anticipated for this low-density form of residential land use.***

The criteria/matters set out in Subsection 51 (24) of the Planning Act as detailed above are met through the consent to land severance application.

4.4 COUNTY OF SIMCOE OFFICIAL PLAN

The preparation of the Official Plan for the County of Simcoe was initiated in 2004, adopted by County Council on November 25, 2008 and submitted to the MMAH in December 2008. On December 7, 2009 the County appealed the lack of decision by the MMAH to the OMB. The County has in more recent years worked with public and private stakeholders, conducted public open houses and revised the document on several occasions to address the concerns raised by stakeholders. The OMB hearing process has proceeded with a series of partial approval(s) to the Official Plan to address certain key policy areas particularly in respect to matters of provincial interest and local municipal based policy matters. The LPAT also dealt with appeals to the Official Plan for the County of Simcoe. It is our understanding that most of the County of Simcoe Official Plan including land use policies and schedules have been addressed by the OMB and more recently by LPAT.

The current Simcoe County Official Plan unlike its predecessor was intended to specifically designate settlement area boundaries on Schedule 5.1 – Land Use. The settlement area boundaries for Town of Penetanguishene on Schedule 5.1, Land Use Designations of the County of Simcoe Official Plan encompass the whole municipality.

Figure 5 – Excerpt of County Official Plan – Schedule 5.1 illustrates the Settlement Designation for Penetanguishene.

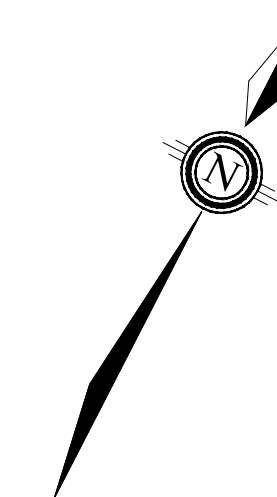
Section 3.5.7 indicates that Settlement Areas are to be the focus of growth and their vitality and regeneration are to be encouraged and are to be planned to accommodate a diversity of land use including residential, commercial, industrial and institutional uses to reinforce their traditional role as central places and service centre. The proposed consent to land severance will contribute towards Penetanguishene being a focus of growth that contributes to meeting the residential housing needs of the Town. The single detached residential lots now being proposed are contemplated by the County Official Plan and will contribute to a compact community over the longer term.

Table 1 of Section 3.2, Population and Employment Projections/Allocations proposes population and employment targets for the Town of Penetanguishene to 2031 of 13,000 population and 6,000 jobs, respectively. This Proposal is intended to introduce 5 new dwelling units on the subject property with approximately 15 persons based upon 3 persons per dwelling unit and will contribute to meeting the population forecast.

Severance policies applicable to this consent to severance proposal include Section 3.3.2 and 3.3.4. Section 3.3.2 of the Lot Creation policies indicates lots may be created by consent only for land uses permitted in the Settlement designation. Low density residential uses are permitted in

Excerpt of County
 Official Plan -
 Schedule 5.1 - 1230
 Sandy Bay Road,
 Lot 14, Concession
 3, Town of
 Penetanguishene
 Ontario

Figure 5



Designations	Reference Data
Settlements	Settlement Area Boundary
Greenlands	Built Boundaries
Agricultural	Special Development Area: Big Bay Point
Rural	Greenbelt Plan - Protected Countryside (Refer to Schedule 5.3.3 For Details)
Strategic Settlement Employment Areas and Economic Employment Districts	Niagara Escarpment Plan Area (Refer to Schedule 5.3.1 For Details)
Lands not subject to this plan	Oak Ridges Moraine Conservation Plan Area (Refer to Schedule 5.3.2 For Details)
Settlement Area Boundary Under Appeal	Provincial Highway
Portion of Settlement Boundary Area Under Appeal	County Road
General Location of Site-Specific Appeals	Trans Canada Pipeline
Lands Subject to Non-Decision	Lake Simcoe Protection Plan - Watershed Boundary

the Settlement designation. Section 3.3.4 further indicates that lots may only be created where access to and frontage on public highway is available and an access permit can be obtained (in this case from the Town). The consent proposal affects a property with public road frontage on Gilwood Park Drive and Sandy Bay Road. Both these roadways are open and maintained through all seasons of the year. Access permits are to be obtained subsequent to the land severance process.

In our opinion as planners the proposed consent to land severance application conforms to the Official Plan for the County of Simcoe.

4.5 TOWN OF PENETANGUISHENE OFFICIAL PLAN

Schedule “A” – Land Use of the Town of Penetanguishene Official Plan designates the subject property as Rural designation. Figure 6: Penetanguishene Official Plan - Schedule “A” – Land Use illustrates the Rural designation applicable to the subject property. Figure 7: Penetanguishene Official Plan Schedule ‘B1’ – Policy Overlay illustrates the Environmental Protection overlay category applicable to the subject property. Figure 8: Schedule ‘B2’ – Source Protection Policy Overlays classifies the proposed Severed Lots 1-5 as WHPA Q1 and Q2 and significant ground water recharge area. Figure 9: Penetanguishene Official Plan Schedule ‘C’ – Transportation Network illustrates the Local Road category applicable to Gilwood Park Drive and Sandy Bay Road opposite the subject property.

Our planning comments on the Official Plan policies below are highlighted in bold text with italics for ease of reference.

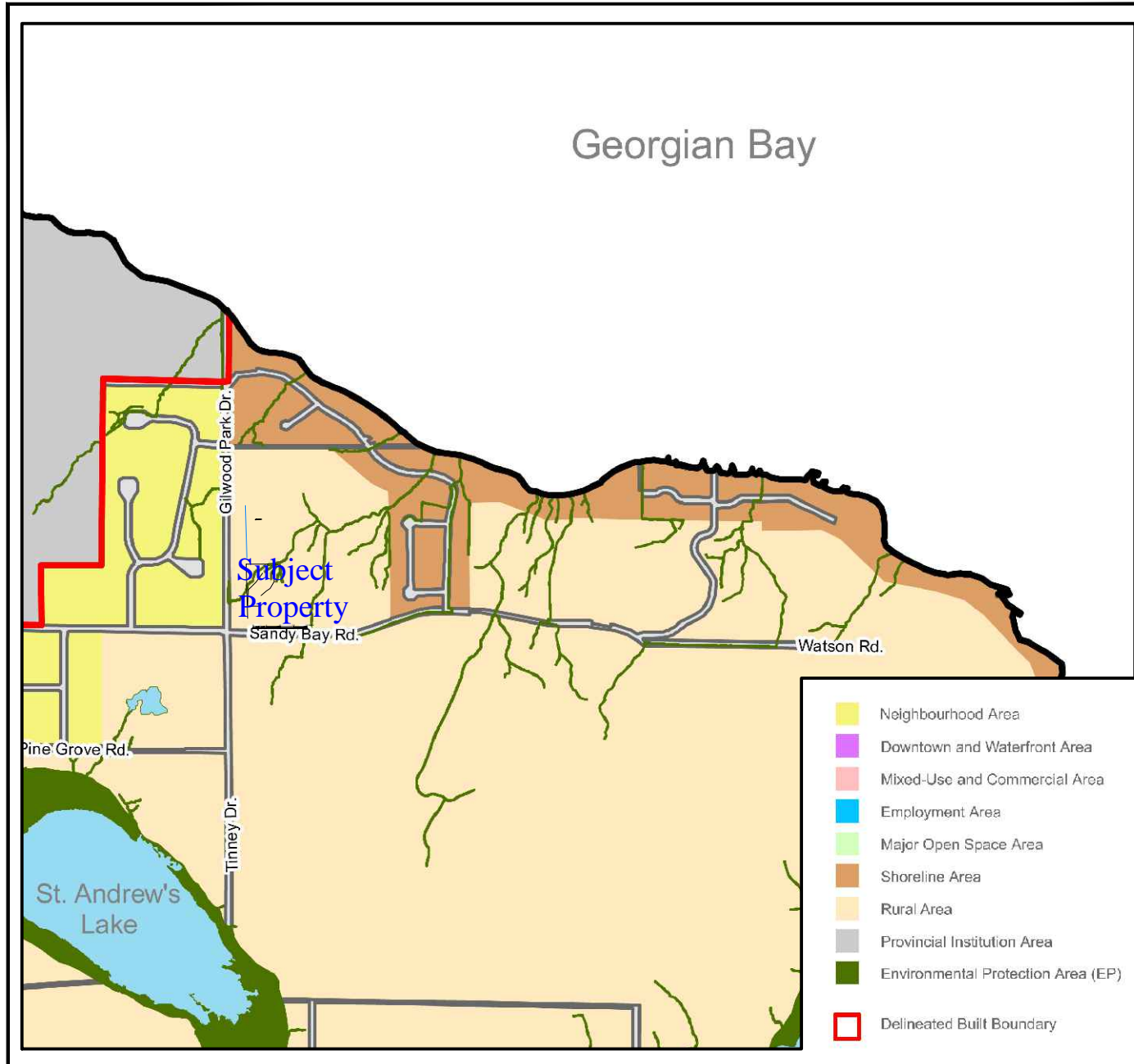
Section 3.13.1, Source Protection of the Official Plan indicates the WHPA Q1 and Q2 Overlays relate to groundwater quantity and sets out policies to be met. ***In this case the proposed development is limited to five larger single detached dwelling lots serviced by municipal watermain and private septic systems. The septic systems are to be located in the rear yard with infiltration via filter bed and sand mantle. Hard impervious surfaces are to be limited to the driveway and building footprint. As municipal water services (versus individual wells) are proposed so groundwater levels will not be drawn down. In addition, the proposal does not involve non-residential uses identified under Section 59 of the Clean Water Act. The Functional Servicing Design Brief addresses development servicing including stormwater management. No stormwater management controls are proposed. Since the lots are very large, the percentage of impervious area is expected to be less than 15%. There will not be any directly connected impervious areas to a discharge point. Impervious areas will all discharge to pervious areas and are conveyed by sheet flow. Surplus runoff is expected to infiltrate in pervious areas with little or no runoff in typical storm events. In areas of low***

Excerpt of Schedule A
 - 1230 Sandy Bay
 Road, Lot 14,
 Concession 3, Town
 of Penetanguishene ,
 Ontario

Figure 6



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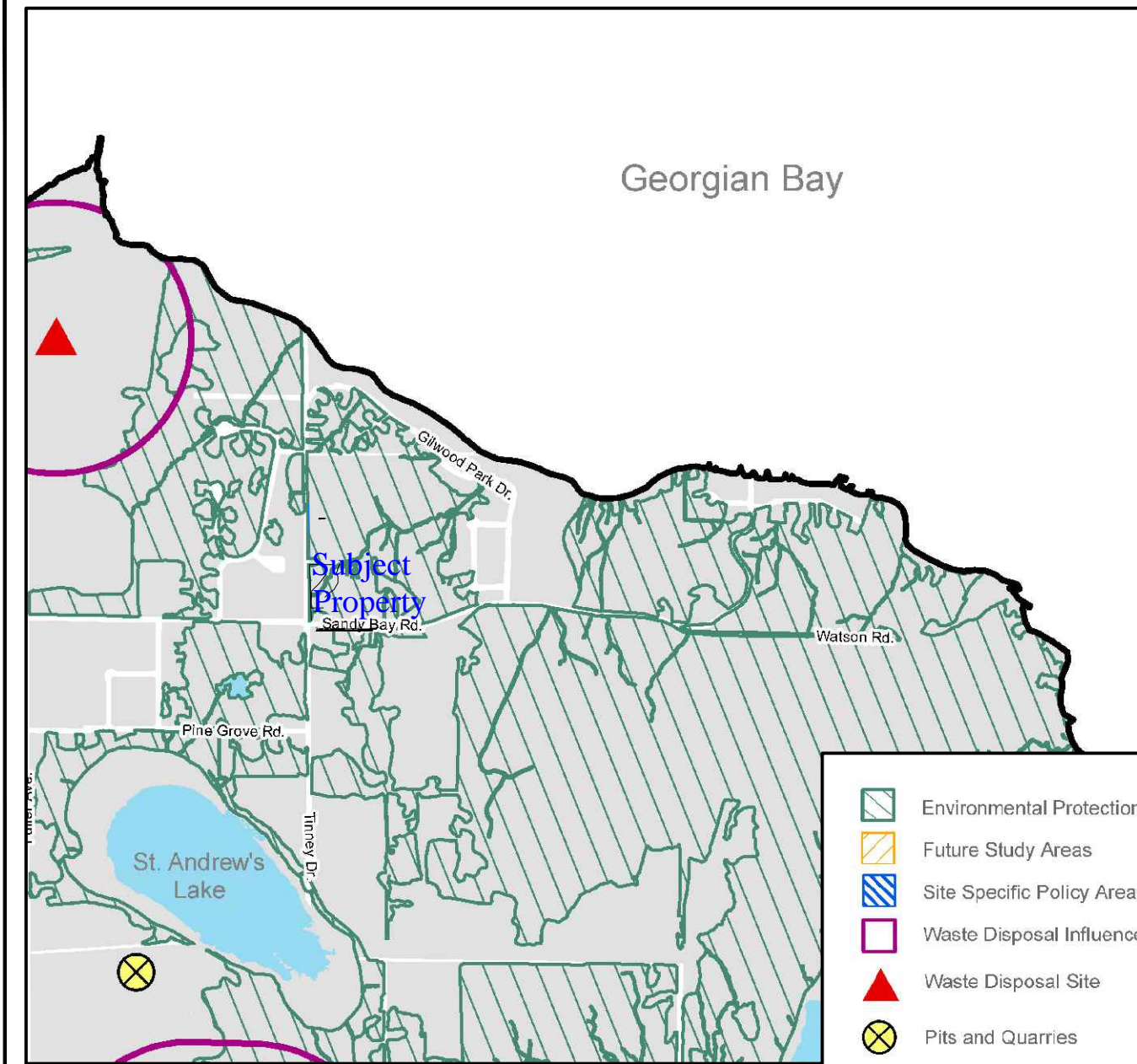


Excerpt of Schedule B1 - 1230 Sandy Bay Road, Lot 14, Concession 3, Town of Penetanguishene, Ontario

Figure 7



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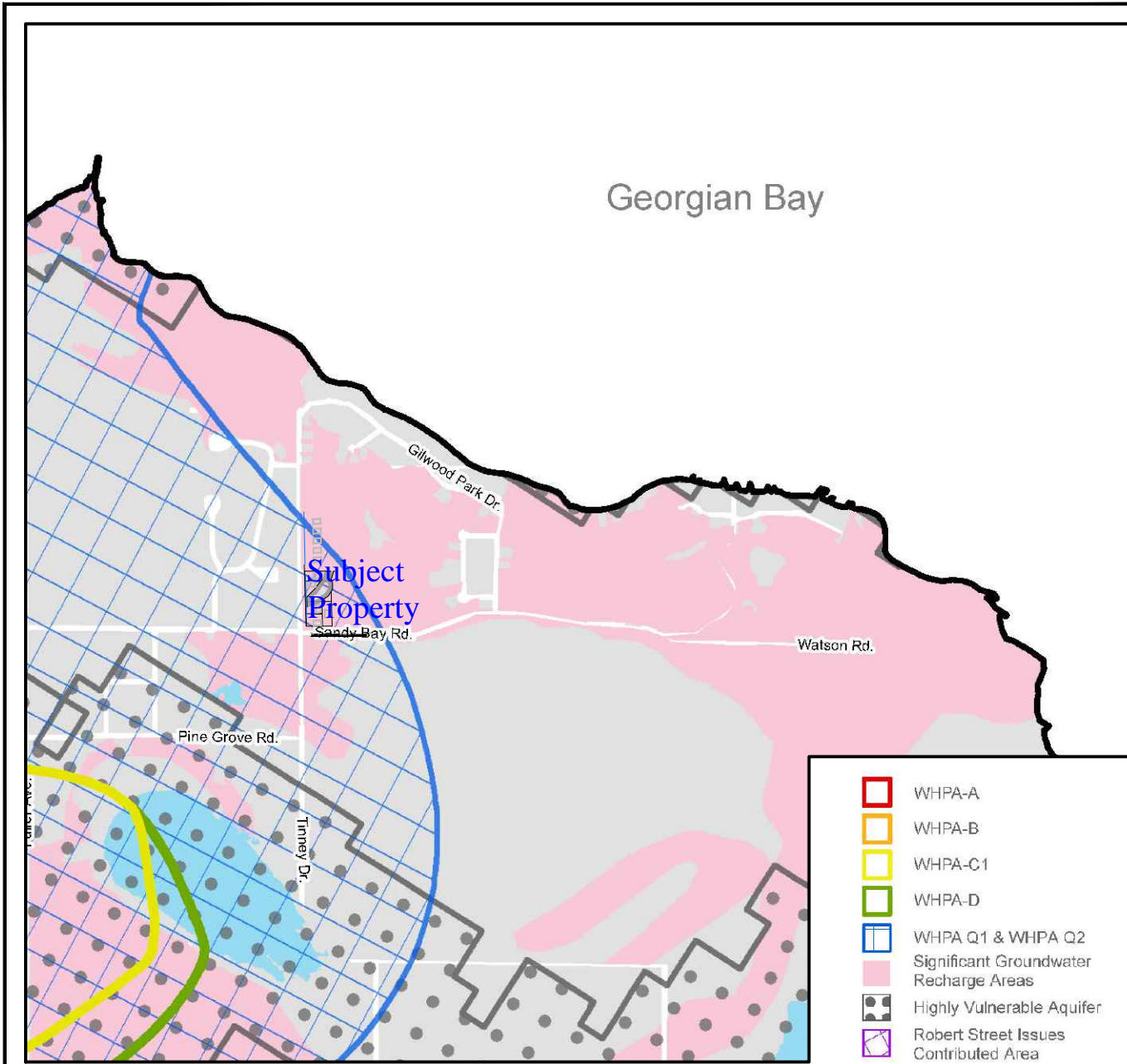


Excerpt of Schedule B2 - 1230 Sandy Bay Road, Lot 14, Concession 3, Town of Penetanguishene, Ontario

Figure 8

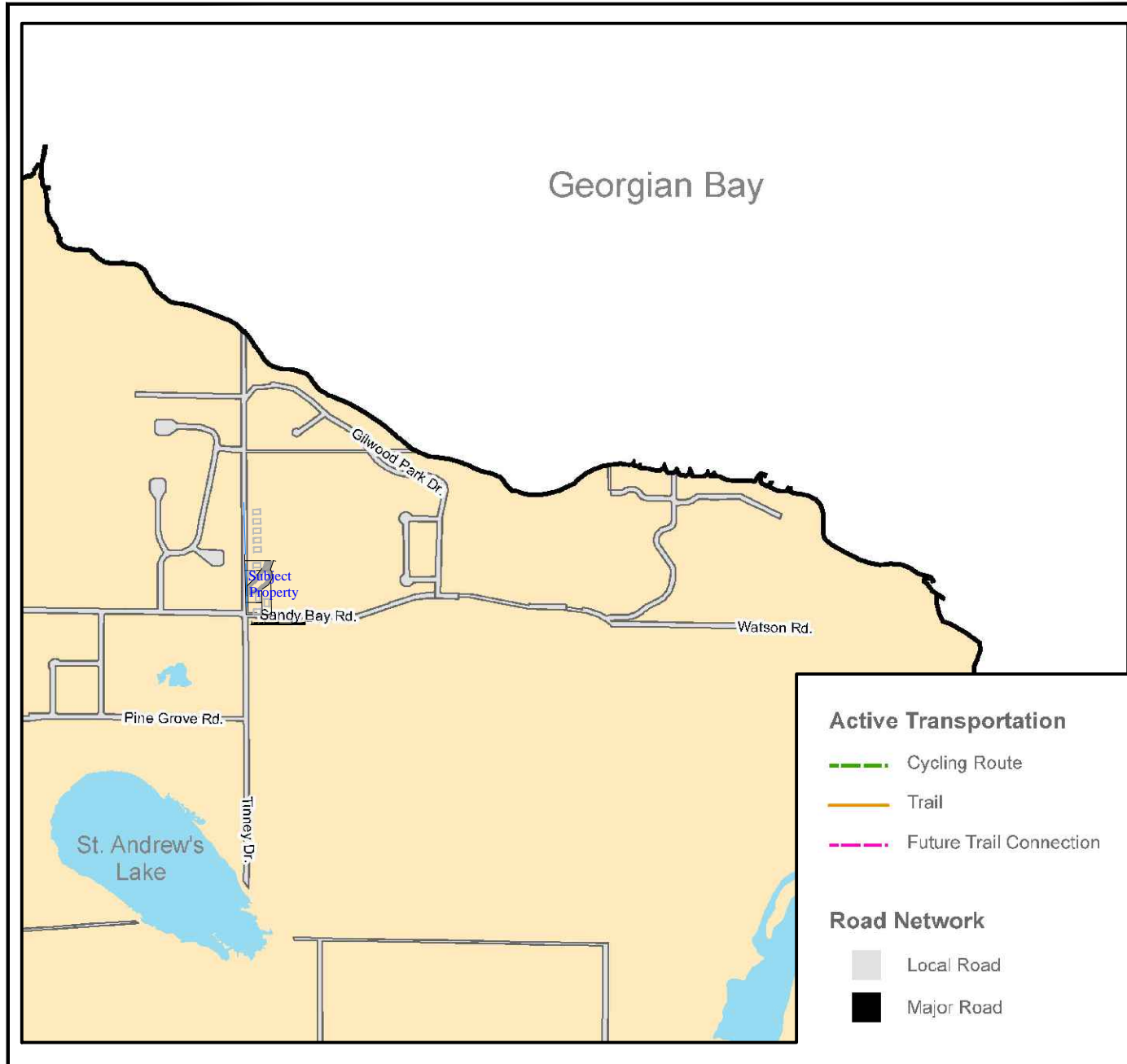


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Excerpt of Schedule C
- 1230 Sandy Bay
Road, Lot 14,
Concession 3, Town
of Penetanguishene ,
Ontario

Figure 9



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groundwater table, roof runoff will be directed to soak away pits. In addition, lengths of infiltration swales will be added to lots to capture and infiltrate runoff for up to 10mm storm event. Additional treatment of runoff beyond that provided by surface flow and infiltration swales is not necessary. These measures are addressed in the Functional Servicing Design Brief and proposed to be further detailed in engineering drawings to be prepared for inclusion in a land severance agreement (or site plan approval), as the case may be. This proposal in our opinion as planners satisfies the policy requirements of Section 3.13.1 of the Official Plan.

Section 4.9.1 Permitted Uses of the Rural Area designation states that the permitted uses are agriculture, forestry, and other resource based uses that do not disrupt other permitted uses, limited rural industrial uses, tourist commercial and private recreational uses, existing pit and quarry operations, home occupations and home industries in association with a permitted residential use, bed and breakfast establishments, a secondary dwelling unit, low density residential uses and uses accessory to any of the foregoing uses. **This Section of the Plan establishes the principle of development for low density residential uses.**

The Residential Uses policies of Section 4.9.2 of the Official Plan applicable to the proposed development state that limited residential development is permitted in the Rural Area if it does not impact the character of the Rural Area, the development protects wooded and scenic landscapes as well as ensures that no areas of wildlife habitat are adversely impacted; the lot sizes of the proposed development are of an adequate size to accommodate the dwelling and only permit the removal of trees for the building envelope and a driveway; the lands to be developed have access to a public road that is maintained year round by the Town; and the development meets the servicing policies of the Town. **The development proposed is for a limited number of residential lots and is in keeping with the low-density residential character of the surrounding area.**

Figure 4: Site Plan for the proposed residential severed lots identifies the typical development layout for each lot including the driveway, single detached dwelling footprint, septic tank and bed and the mantle. **The Environmental Impact Study (EIS) prepared by Neil Morris, Consulting Ecologist in November 2021 confirms natural heritage features and functions including but not limited to the woodlands and wildlife habitat referenced in this Section of the Official Plan will not result in any meaningful loss or impairment of ecological or hydrological connectivity, or overall integrity of the NHS. There is no expectation of any negative impacts on the NHS.**

Section 4.10, Environmental Protection Area of the Official Plan states that Natural Heritage Areas are designated as Environmental Protection Area (EP) on Schedule 'A' and identified as

Environmental Protection Overlay (EPO) on Schedule 'B1' to this Plan. In this case the subject property is designated as Rural Area on Schedule 'A' and EPO on Schedule 'B1'. The EP designation includes lands where development and site alteration are prohibited, whereas the EPO includes lands where development and site alteration may be permitted, subject to preparation of an EIS including significant woodlands for example. ***The EIS prepared by Neil Morris supports the proposed limited residential development on the subject property.***

Section 5.2.3, Local Roads of the Official Plan states that direct access to local roads from abutting properties is permitted provided the access point is in a location where there are adequate sight lines. Local roads as designated on Schedule C have right of way widths of at least 16 m and two lanes of traffic. ***The sight lines for the proposed severed lots were assessed by Kevin Bobechko, Eng., of the Kardin Group in a Functional Servicing Design Brief and determined to be suitable. In addition, Gilwood Park Drive at this location is 20 m wide with a rural cross section and paved surfaces for two-way traffic.***

Section 5.3.1.1, Partial Services in Clause 3 and 5 that priority shall be given to the development of land that is presently serviced by municipal piped water systems, or those areas that can most easily be serviced at minimal expense; and private sewage disposal may be provided by a septic tank and weeping tile system subject to approval by the Town. A servicing report may be required to identify the most appropriate form of servicing. ***The Functional Servicing Design Brief by Kevin Bobechko, P. Eng., of the Kardin Group determined that municipal piped water services were readily available nearby, but piped sanitary sewers were not. The preferred method of servicing in this case is municipal water and private septic systems for each lot. The cost of provision of municipal piped water service to the severed lots would be borne by the developer.***

The Clauses set out in Section 6.3.5.2, Consents of the Official Plan are stated below and our planning comments highlighted in bold italics as follows:

1. "A consent should only be permitted 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 5 new lots in a single application." ***This application proposes five (5) residential lots with frontages on existing public roads. The depth and size of the lots and reliance on direct public road access ensure no negative impact on natural heritage features further back on the property.***
2. "Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes as a condition of consent." ***This policy is not applicable to new lot creation for land development.***

3. The following policies shall be used to evaluate consent application ... 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. ***This policy is satisfied.***
- ii.* Lots may not be created which would create a traffic hazard ... ***This has been addressed by the Kardin Group and satisfied.***
- iii.* Any required road widenings ... may be required as a condition of severance approval. ***Gilwood Park Drive and Sandy Bay Road meet ROW width required by the Local Roads policy of the Official Plan. No widening is anticipated.***
- iv.* Notwithstanding l., the lot to be retained and the lot to be severed may have frontage on a Private Road ... ***This policy is not applicable.***

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 the use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering. ***It is our position as planners that the lot area and frontages of the severed and retained parcels are appropriate and compatible with surrounding low-density residential land uses and provide for appropriate buffers for the limited wetland and watercourse features on the property.***
- ii.* The proposed lots shall comply with the provisions of the zoning by-law. Where it is not possible to meet the requirements of the Zoning By-law, the Town may amend the standards of the By-law or a minor variance may be granted as a condition of approval, where that condition is considered appropriate. ***The proposed severed and retained residential lots comply with the Rural (RU) Zone requirements.***

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 the remnant parcels in the interior of a block of land. ***The proposed lots collectively are approximately 1.9 ha (19,000 sq m) in area and the retained parcel is approximately 2.1 ha***

(21,000 sq m). The lot frontage for the retained lot provides an opportunity for future access points along Sandy Bay Road, if required.

d. Parkland Dedication

- i. Where a consent is approved, the parkland dedication policies of Section 6.3.11.2 shall apply. ***It is anticipated that a 5% cash-in-lieu of parkland will be required for the severed lots.***

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 ... ***It is anticipated that the severed lots will be serviced by municipal water and private septic systems.***
- 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. payment of taxes;
 - ii. payment of development charges;
 - iii. payment of drainage and local improvement charges;
 - iv. provisions for connection to the municipal water or sanitary sewage services;
 - v. provisions for stormwater management;
 - vi. road dedications or improvements;
 - vii. parkland dedications or payment-in-lieu;
 - viii. approval of zoning by-law amendment or minor variance;
 - ix. approval of Site Plan; and
 - x. other technical matters deemed appropriate by the Town under specific circumstances of the Consent.

It is anticipated that the Town will impose conditions of approval such as for payment of taxes, payment of development charges, provision of municipal water service, payment of cash-in-lieu of parkland and other technical matters associated with the division of land as referenced in i. to x. above through a land division agreement.

- 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 Environmental 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 and Town transportation objectives, standards or policies cannot be maintained; or
- v. the created and retained parcels cannot be provided an adequate level of service

The matters identified in i. to v. above are not applicable in this case in our opinion as planners.

On the basis of our planning analysis, we have determined that the proposed consent to land severance application is in conformity with the Official Plan of the Town of Penetanguishene.

4.6 TOWN OF PENETANGUISHENE ZONING BY-LAW

The subject property is zoned as Rural (RU) Zone on Schedule A of the Town Zoning By-law 2000-02, as amended. Figure 10 – Excerpt of Penetanguishene Zoning By-law – Schedule “A” illustrates the Rural (RU) Zone applicable to the subject property. The RU Zone permits a conservation, forestry, or general agricultural use, a single detached dwelling, a home occupation, or private home daycare or bed and breakfast establishment, an outdoor recreation area, a private or public park, a farm produce sales outlet, a home industry, a kennel and a public use.

The Zoning Requirements of the RU Zone for a Single Detached Dwelling are as follows:

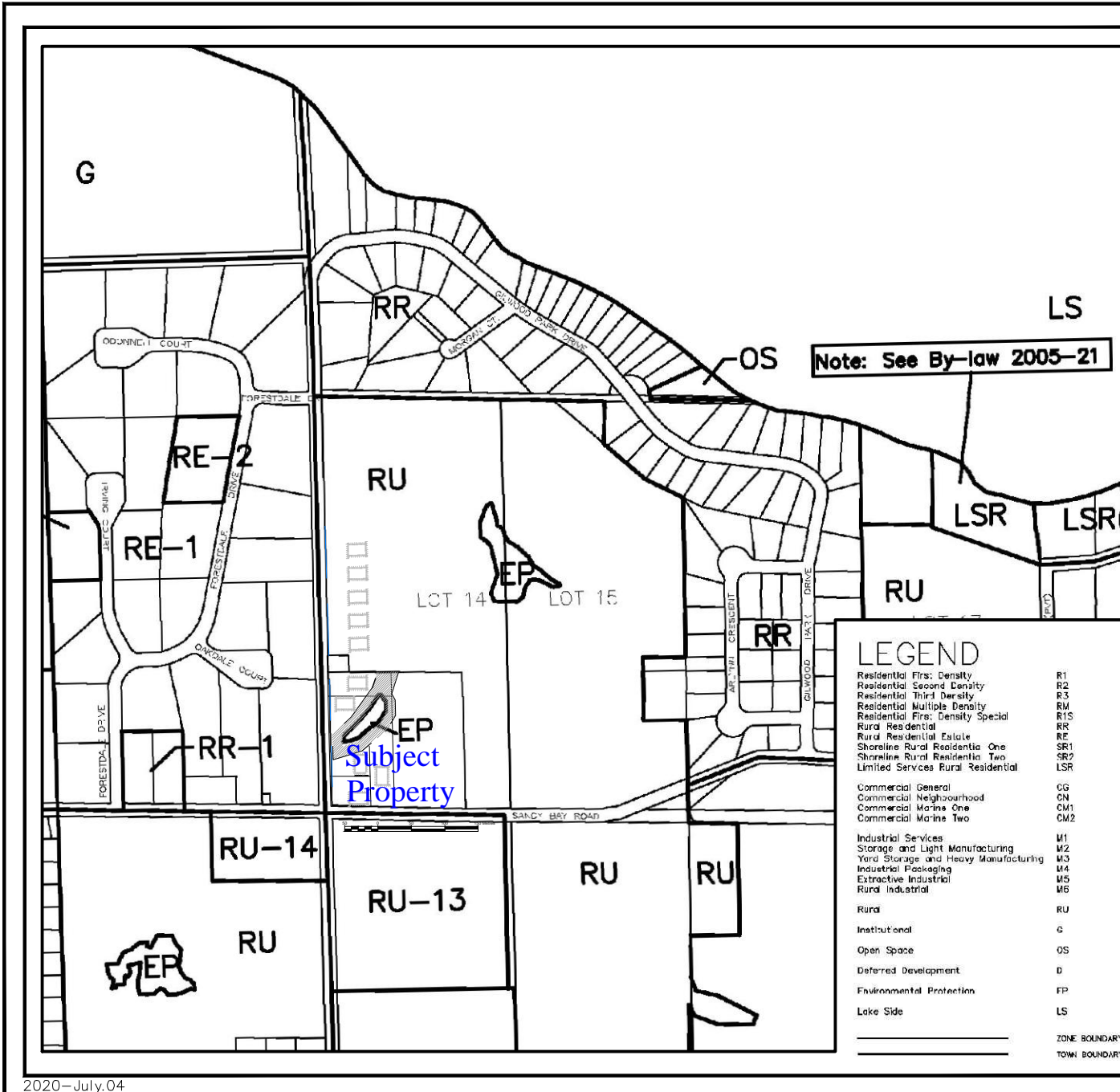
Minimum Lot Area	2000 m ²
Minimum Lot Frontage	35 m
Minimum Required Front Yard	7.5 m
Minimum Required Exterior Side Yard	7.5 m
Minimum Required Interior Side Yard	3.0 m
Minimum Rear Yard	7.5 m
Maximum Lot Coverage	35%
Minimum Ground Floor Area	85 m ²
Maximum Building Height	11.0 m

Excerpt of
 Penetanguishene
 Zoning By-Law -
 Schedule A - 1230
 Sandy Bay Road, Lot
 14, Concession 3,
 Town of
 Penetanguishene ,
 Ontario

Figure 10



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A zoning by-law amendment is **not** required to accommodate the consent to land severance application as the severed lots and retained parcel proposed for residential use will all comply with the lot area and frontage requirements of the Rural (RU) Zone.

5.0 PLANNING RATIONALE

The proposed Consent to Land Severance application is to sever 1230 Sandy Bay Road into five severed lots and a retained parcel of land. The proposed severed lots and retained parcel all have lot areas and frontages that exceed the minimum lot area and lot frontage of 2,000 sq m and 35 m for the Rural (RU) Zone. The severed lots and the retained parcel will all comply with the Rural (RU) Zone requirements for single detached dwellings on a lot.

In our opinion as planners the proposed consent to land severance application is consistent with the Provincial Policy Statement and conforms to the Growth Plan. The Official Plan for the County of Simcoe establishes the principle of development for a diversity of land use including residential, commercial, industrial and institutional uses to reinforce their traditional role as central places and service centres. The proposed consent to land severance will contribute to Penetanguishene realizing growth in the Simcoe County context and will support the Town to meeting local residential housing needs.

The Rural designation of the Official Plan establishes the principle of low-density residential land use on the subject property and a limited number of residential lots by land severance, notably five (5) new lots. This Planning Justification Report, the Environmental Impact Study (EIS) and the Functional Servicing Design Brief provide a solid land use planning, environmental and servicing rationale in support of the consent to land severance application on the subject property.

The consent to land severance application complies with the Town Zoning By-law. The land uses proposed and the size of all severed and retained lots are consistent with the Zoning By-law. No zone change is required in support of this application.

6.0 CONCLUSIONS

In conclusion, the proposed development is consistent with the PPS and in conformity with the Growth Plan and the Official Plans for the County of Simcoe and the Town of Penetanguishene and represents good planning.

In our opinion as planners the proposed consent to land severance will result in an appropriate form of land use at this location and represents the optimal and best use of the subject severed lots under the current planning policy regime.

We trust our Planning Justification Report meets your municipal processing requirements for the proposed consent to land severance application.

Respectfully submitted by:

GOODREID PLANNING GROUP

A handwritten signature in blue ink that reads "Brian Goodreid". The signature is written in a cursive style with a large initial 'B' and a long horizontal flourish at the end.

Brian J. Goodreid, MCIP, RPP
Principal