

**Recommendation:**

That report Planning-2023-35, dated October 17, 2023, regarding Application 15T-21006 (162 County Road 4 – Clancy Plan of Subdivision Application) be received and;

That Council advise the County of Peterborough that the Township of Douro-Dummer supports the approval of Application 15T-21006 (162 County Road 4 – Clancy Plan of Subdivision Application), in principle, subject to the Draft Plan Conditions attached to this Report.

**Overview:**

Innovative Planning Solutions (IPS) Inc., Agent, on behalf of Gerry Clancy, Owner, submitted an application for the approval of a twenty-five (25) lot rural residential subdivision (Application 15T-21006). The lands are located at 162 County Road 4 and are described as Part Lots 2 and 3, Concession 10 of the Douro Ward. The property has an area of approximately 28.61 hectares (70.69 ac) and approximately 18.28 metres (60 feet) of frontage on County Road 4 and abuts the Hamlet of Donwood.

In addition to twenty-five (25) residential lots, the subdivision also consists of a block for stormwater management, two (2) blocks for environmental protection and open space and one (1) block for rural/agricultural purposes along with a new municipal road connecting to County Road 4 and terminating in a cul-de-sac. The proposed subdivision is illustrated in the signed Draft Plan of Subdivision attached to this Report.

At the June 20, 2023 Regular Council Meeting, a public meeting was held regarding the related Official Plan Amendment (OPA) File No. 15OP-21010 which represents Amendment No. 70 to the County Official Plan and Zoning By-law Amendment (ZBA) File R-08-21.

[Report Planning-2023-22](#) was received and Council supported the proposed OPA and required that the draft ZBA be revised and that the requirement for approval of the ZBA form part of the Draft Plan Conditions. A copy of Council's Resolution Number 205-2023 was provided to the County of Peterborough on July 7, 2023 and it is anticipated that a Report regarding the applications will be brought forward by County Planning Staff to the November 1, 2023 County Council meeting.

Following the public meeting, IPS submitted a fourth submission package to address comments received to date. A copy of the July 14, 2024 IPS submission cover letter and materials table is attached to this Report. The submission package was posted on the [County Website](#) and contains the following materials:

Fourth Submission

- [Comment & Response Matrix](#), prepared by Innovative Planning Solutions, dated July 13, 2023

- [Preliminary Stormwater Management Report](#) and [Engineering Plans](#) prepared by WMI, dated June 2023
- [Draft Plan of Subdivision](#), prepared by Innovative Planning Solutions, Signed May 31, 2023
- [Revised Official Plan Amendment No. 70](#), prepared by Innovative Planning Solutions

The fourth submission materials were provided to the County's Peer Reviewer, Stantec who, in correspondence dated September 26, 2023, indicated their previous comments have been addressed and they have no further comments. A copy of Stantec's peer review comments are attached to this Report.

A copy of the fourth submission materials along, County and Township Staff recommended Draft Plan Conditions and Stantec's peer review comments were provided to the Township Peer Reviewer, D.M. Wills on September 25, 2023 and September 26, 2023 respectively. As of the writing of this Report, comments from D.M. Wills regarding the fourth submission have not been received.

However, in previous correspondence dated March 9, 2023, D.M. Wills noted that all outstanding comments with respect to the Preliminary Stormwater Management Report and Hydrogeological Assessment have been satisfactorily addressed for Draft Plan Approval. During detail design, a number of comments must be addressed with respect to stormwater management and a typical roadway cross-section was requested to confirm the proposed 20.0 m right-of-way is of sufficient width. A copy of the March 9, 2023 D.M. Wills correspondence is attached to this Report.

A copy of the fourth submission package was circulated to Senior Staff on September 25, 2023 along with proposed Township Draft Plan Conditions (DPC) for the subdivision. There were no concerns identified by Senior Staff as of the writing of this Report.

A copy of the recommended Draft Plan Conditions are attached to this Report.

### **Official Plan:**

The Official Plan identifies Donwood as a settlement area (recognized Hamlet). The subject property is designated 'Rural' and 'Industrial' in the Local Component of the County Official Plan. These designations do not permit a residential plan of subdivision, therefore an Official Plan Amendment (OPA) is required.

The OPA application proposes to expand the Donwood Hamlet Area Boundary to accommodate the draft plan of subdivision. Portions of the subject lands are proposed to be re-designated from 'Rural' and 'Industrial' to 'Environmental Constraint' and 'Hamlet'. A portion of the subject property is proposed to remain within the 'Rural' designation.

The Hamlet designation refers to existing settlement areas which function as residential and commercial service nodes. They may contain a mix of residential, commercial, small scale industrial, public and institutional facilities (S. 6.2.3.1).

In the Township of Douro-Dummer, Donwood is recognized as a Growth Centre that does not have a Secondary Plan and/or other specific policies as contained in Section 6.3 (Urban Area policies). It is intended that the majority of future residential growth in Douro-Dummer shall be directed to the growth centres (Donwood, Douro & Warsaw). It is also intended that residential growth in these hamlets shall generally be limited to infilling and minor expansion within their existing designated areas. (S. 6.2.3.1).

In depth development by plan of subdivision, rather than strip development is the preferred method of development for Donwood (S. 6.2.3.1).

Growth in hamlets shall be consistent with environmental, physical and socio-economic conditions. Surrounding land uses, intensity of existing development and potential soil or ground water constraints shall be considered in assessing new development proposals and shall have regard for the policies outlined in Section 6.2.3.3.

The predominant use of land within the Hamlet designation shall be for single detached residential dwellings (S. 6.2.3.2).

Section 7.13 of the Official Plan outlines the criteria for assessing plans of subdivision/condominium and requires the Township to have regard for the following considerations which are applicable to this subdivision application:

**7.13.1** The proposed development is compatible with the existing scale of development in the area.

**7.13.2** The proposed development is compatible with the Conservation Authority's regulations.

**7.13.3** Access roads have the capability to support the additional traffic loads anticipated from the proposal and will be constructed to standards determined by the Township. Where upgrading and additional maintenance may be required, the Township shall assess the financial impact of these additional expenditures and may levy fees to offset these costs.

**7.13.4** If an investigation of servicing options as outlined in Section 7.4 indicates that neither municipal nor communal servicing is feasible, lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system, and so that a serious draw down of groundwater levels beyond the boundaries of the lot itself can be avoided.

**7.13.5** Where full municipal services are not available, the Township shall require the submission of a detailed hydrogeological report as per Section 7.4.6 which addresses the ability of the site to sustain residential development on the basis of private services. Minimum lot area standards will be established in the implementing Zoning By-law.

**7.13.6** All lots should have frontage on an interior road, developed to municipal standards. Lots having direct access onto arterial roads shall generally not be permitted.

**7.13.7** As many trees as possible shall be preserved, particularly mature and healthy stands of trees, and reforestation shall take place where necessary.

**7.13.9** Any proposed plan of subdivision or condominium must not landlock any other parcel of land, and should be designed to allow for the integration of future residential development in the area.

**7.13.10** The proposal shall be adequately served by existing levels of municipal services such as fire protection, police protection, garbage collection and school facilities. Any proposal requiring substantial upgrading to existing services beyond the present financial capability should generally not be permitted.

**7.13.11** Residential subdivision or condominium developments shall be encouraged to locate in designated growth centres as identified on the Land Use Schedules... Where possible, but especially for development on full services, mixed-use developments, narrowing of streets, reducing parking requirements, incorporation of pedestrian walkways/linkages, open spaces, variations of lot sizes, unit types, and a mix of storefront retail and residential zoning are encouraged in order to ensure more complete and livable neighborhoods for residents. Smaller driveways, wider sidewalks, curbside parking and narrower streets are also encouraged.

**7.13.12** The Township shall enter into a development agreement with each developer as a condition of the approval of a plan of subdivision or condominium. This agreement will set out the internal and external services which the Township will require the developer to provide.

**7.13.15** The Township shall have regard for the compatibility of the proposed development with designated environmental areas.

With the implementation of the recommended draft plan conditions and the satisfactory peer review of all supporting technical studies and reports, the Amendment appears to conform to the Local Component of the County Official Plan.

#### **Zoning By-law:**

The subject property is zoned Rural (RU) in the Township's Zoning By-Law. The ZBA application proposes to rezone portions of the subject lands from the Rural Zone (RU)

to the Hamlet Residential Zone (HR), the Environmental Conservation Zone (EC), the Special District 254 Zone (S.D. 254) and the Special District 171 Zone (S.D. 171).

A copy of the Draft By-law is attached to this Report. Staff recommend that the Draft By-law be brought forward to Council at a later date as a condition of Draft Plan Approval for the plan of subdivision.

**Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

Section 2.2.9.7 of the Growth Plan permits minor adjustments to rural settlements outside of a municipal comprehensive review provided:

- the affected settlement area is not in the Greenbelt Area
- the change would constitute minor rounding out of existing development, in keeping with the rural character of the area
- confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts on water, and
- Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS) are applied.

The subject property is not located in the Greenbelt Area, and the Amendment would constitute a rounding out of the existing development in the hamlet of Donwood.

Hydrogeological studies have been completed, to the satisfaction of peer reviewers working on behalf of the County and Township, which conclude there is a suitable supply of well water and sufficient area for septic systems that will not have a negative impact on water in the area.

Section 2.2.5.10 of the Growth Plan permits the conversion of employment areas to a designation that permits non-employment uses, provided:

- There is a need for the conversion
- The proposed use would not adversely affect the overall viability of the employment area
- There is existing or planned infrastructure and servicing available to accommodate the proposed uses.
- The employment area is not identified as provincially significant, and
- A significant number of jobs is maintained.

The Official Plan Amendment proposes to remove the 'Industrial' land use designation from the subject property to facilitate the related subdivision. The area being removed has remained undeveloped for an industrial use and has very limited access from the County Road. Removing the Industrial designation would be compatible with the existing residential uses in the area and would provide for additional housing in the Township.

Infrastructure and servicing is planned through the subdivision application. The subject property is not presently identified as a provincially significant employment area and all existing jobs will be maintained.

The subject property contains the following key hydrologic features: non-evaluated wetlands, streams and seeps. Sections 4.2.3 and 4.2.4.1(c) of the Growth Plan state that development and site alteration, including lot creation, is not permitted in key hydrologic features or the minimum 30 metre vegetation protection zone (VPZ) surrounding the feature.

Any development within 120 metres of a key hydrologic feature will require a Natural Heritage Evaluation. An Environmental Impact Study and subsequent addendums have been prepared in support of the applications and have been peer reviewed by the Otonabee Region Conservation Authority (ORCA) who have agreed with the findings of the reports and have indicated that the applications conform to Sections 4.2.3 and 4.2.4 of the Growth Plan. ORCA has provided the County of Peterborough with recommended draft plan conditions for the plan of subdivision.

The Official Plan and Zoning By-law Amendments include policies and regulations to further support the protection of the natural heritage features from development.

Based on the above, the proposed subdivision appears to conform to the Growth Plan.

### **Provincial Policy Statement (PPS):**

Section 1.1.3.1 and 1.1.4.2 state that settlement areas and rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

While Section 1.1.3.8 of the PPS allows expansions to settlement areas only at the time of a comprehensive review, the Growth Plan permits adjustments to rural settlement areas outside of a municipal comprehensive review. Since the Growth Plan takes precedence, and the application appears to conform to the applicable section of the Growth Plan (outlined above), there does not appear to be any conflict with PPS policy.

When directing development to rural settlement areas, consideration shall be given to rural characteristics, the scale of the development and the provision of appropriate service levels (S.1.1.4.3). The size of lots proposed in the related subdivision application are consistent with those found in more rural areas, and it has been demonstrated through Hydrogeological Studies that there is sufficient groundwater available to service the new lots.

Section 1.3.2.5 of the PPS states that lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially or regionally significant, and provided:

- There is a need for the conversion and the land is not required for employment over the long term,
- The proposed uses would not adversely affect the overall viability of the employment area, and
- Existing or planned infrastructure is available to accommodate the proposed uses.

As noted above, the area has not been identified as a provincially or regionally significant employment area; only a limited amount of lands designated Industrial will be removed to allow for needed residential development; and the infrastructure planned via the proposed subdivision is suitable to accommodate the proposed residential use.

Section 2.1.1 of the PPS states that natural features and areas shall be protected for the long term. Additionally, Section 2.2.1 requires planning authorities to protect, improve or restore the quality and quantity of water by maintaining linkages and functions of ground and surface water features, hydrologic functions and natural heritage features.

As noted above, an Environmental Impact Study and addendums have been prepared in support of the applications and have been peer reviewed by the Otonabee Region Conservation Authority (ORCA) and in correspondence dated January 26, 2023, ORCA agreed with the findings of the reports and have indicated that the applications are consistent with Sections 2.1 and 2.2 of the PPS.

Section 3.1.1 states that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards. Section 3.1.2 of the PPS further states that development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard

A Flood Hazard Assessment was completed in support of the applications and reviewed by ORCA. In their January 26, 2023 correspondence, ORCA indicated that the assessed Flood Hazard Limit has been delineated on the Draft Plan and the natural channel allowance has been expanded. With the proposed lots being illustrated to be outside the hazard, it is the opinion of Otonabee Conservation that the proposed applications are consistent with Section 3.1 of the PPS.

ORCA has indicated that the applications are consistent with Section 3.1 of the PPS, although it should be noted that ORCA has cautioned that because the design intends to allow water to flow through the culvert and flow over the road as weir flow in times of major flooding (100-year storm), there is increased potential for erosion/scouring of

the roadbed and complete failure of the road and loss of access for emergency vehicles. The application however, remains consistent with the PPS since the depth of water (0.09m) is not considered a regulatory hazard. Township Staff believe that Conditions 3 and 12 of the attached recommended draft plan conditions are suitable to ensure detailed engineering drawings are provided to the satisfaction of the Township. However, if modifications to the conditions are required, Condition 2 of the attached recommended draft plan conditions provides flexibility for the Township and County as Approval Authority to make the necessary revisions.

A copy of ORCA's correspondence dated January 26, 2023 is attached to this Report.

The proposed subdivision appears to be consistent with the Provincial Policy Statement.

### **Public Comments:**

Two members of the public provided comments and/or requested to be notified at the time of the Notice of Complete Application. Staff did ensure that the two members of the public were notified of the public meeting by regular mail and were also provided a link to the Public Meeting and Agenda.

During the Notice circulation for the OPA and ZBA, comments were received by two separate individuals on behalf of the owner of 174 County Road 4 who had objections to the applications. The owner of the property was unable to provide comments due to health issues and technical difficulties, however, the opposition can be summarized as relating to her house (lot) not being on the map, nor are the houses of her neighbours. Additional concerns related to the location of the right of way to the property and an issue with the lawyer and a dispute of her lot line abutting this property.

Township staff reviewed the mapping provided in the Notice and confirmed with the individual writing on behalf of the owner of 174 County Road 4, that all of the lots noted above were identified. Links were provided by the Clerk which contained reports and information relating to the right-of-way and the applications.

As of the writing of the Report, there have been no further comments from members of the public.

### **Conclusion:**

With the implementation of the recommended draft plan conditions, the proposed plan of subdivision has demonstrated consistency and conformity to the Official Plan, Growth Plan and Provincial Policy Statement. The proposed expansion of the Donwood Hamlet is minor and represents a residential infilling development opportunity. The removal of the lands from the Industrial designation will not result in the loss of any existing employment lands related jobs.



**Financial Impact:**

Required application fees have been submitted with the draft plan of subdivision application. The proposed draft plan conditions contain a requirement that the Developer/Owner agree to satisfy all development requirements of the Township, financial and otherwise, concerning the provision of roads, installation of services, drainage and landscaping.

**Strategic Plan Applicability:**

To effectively respond to the challenges of addressing the Township's municipal infrastructure needs as well as effectively managing the assets of the corporation.

### Report Approval Details

Document Title:	15T-21006 (162 County Road 4 - Clancy) Draft Plan Conditions.docx
Attachments:	<ul style="list-style-type: none"> <li>- 15T-21006 (Revised August 24, 2022).pdf</li> <li>- Clancy Cover Letter_4th Submission - DP_OPA_ZBA.pdf</li> <li>- Stantec let_SWM_Peer_Review_Comment_20230926.pdf</li> <li>- DM Wills 3rd Submission Peer Review Comment Letter 20089-008 (March 9, 2023).pdf</li> <li>- Township Recommended Draft Plan Conditions (October 17, 2023).pdf</li> <li>- R-08-21 Draft By-law (September 25, 2023).pdf</li> <li>- 2023-01-26 - ORCA Comments DP Conditions.pdf</li> </ul>
Final Approval Date:	Oct 11, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs