

**Recommendation:**

That Report Planning-2023-34, dated October 17, 2023, regarding Zoning By-law Amendment – File R-07-23 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-07-23; and

That the By-law to enact the amendment be passed at the appropriate time in the meeting.

**Overview:**

On behalf of Steven Kidd, Owner, Andrea Spence has applied to amend the existing zoning on a portion of the property located at 1635 County Road 6, being Roll No. 1522-020-004-08700. The subject property is currently zoned the Rural Zone (RU) as shown on Schedule A2 to By-law No. 10-1996, as amended.

The effect of the Amendment is to rezone portions of the subject lands from the Rural Zone (RU) to the Environmental Conservation Zone (EC) to recognize existing wetlands and their 30 m Vegetation Protection Zone (VPZ).

This rezoning is required as a condition of Consent Application (File B-60-22), that was conditionally approved by Peterborough County on October 13, 2022.

A copy of the draft By-law is attached to this Report.

Notice of the public meeting was given on September 25, 2023 by ordinary mail and/or e-mail to all prescribed public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was posted in two locations on the subject property and on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

**Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

The subject property is located within 120 metres of a key hydrologic feature (unevaluated wetlands). Section 4.2.4.1 of the Growth Plan states that development and site alteration, including lot creation, within 120 metres of a key hydrologic feature requires a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres.

A Natural Heritage Evaluation (NHE) was prepared by Cambium Inc., dated August 20, 2021 in support of the severance application.

The NHE was reviewed by ORCA who provided comments dated June 7, 2022 and recommended that, provided future development and site alteration is prohibited within all wetlands and the 30 metre vegetation protection zone (VPZ) with appropriate zoning, the application is consistent with Sections 2.1 and 2.2 of the PPS as they relate to natural hazards, natural heritage and water and conforms with Sections 4.2.3 and 4.2.4 of the Growth Plan as they relate to key hydrologic features, key hydrologic areas and key natural heritage features outside of settlement areas and lands adjacent to these features.

Based on ORCA's comments, Township Staff required that the wetlands and VPZ on the severed and retained lots as shown on Figure 4 of the Natural Heritage Evaluation prepared by Cambium be rezoned. In addition, a mitigation measures agreement is required to be registered on title as a condition of the severance application.

The rezoning application has demonstrated consistency and conformity with PPS Sections 2.1 and 2.2 referencing Natural Heritage and Water and Sections 4.2.3 and 4.2.4 of the Growth Plan referencing key hydrologic features, key hydrologic areas and key natural heritage features and lands adjacent to key hydrologic features and key natural heritage features.

In correspondence dated October 3, 2023, the Otonabee Region Conservation Authority indicated that the application is consistent with Section 3.1 of the PPS referencing Natural Hazards.

A copy of the ORCA comments are attached to this Report and further comments are outlined below.

### **Conformity to Official Plan:**

The subject property is designated Rural within the Local Component of the County Official Plan. In accordance with Section 6.2.2.4 of the Official Plan, in the Township of Douro-Dummer, new farm parcels may be created provided that both the severed and retained parcels are a minimum of 20 hectares in size each. The severed and retained parcels appear to meet the minimum lot area requirements for new farm parcels.

The predominant use of land within the Rural designation may include all agricultural uses outlined in Section 6.2.1 of the Official Plan. Other permitted uses shall include forestry, passive outdoor recreation uses and activities connected with the conservation of soil and wildlife (S. 6.2.2.2). Low density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted (S. 6.2.2.2).

The application appears to comply with the Official Plan.

**Comments:**

As of the writing of this Report, no comments have been received from members of the public.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Hiawatha First Nation: No questions or concerns.
- County of Peterborough Public Works: No further comments than those provided for the Severance Review (dated May 2, 2022 under reference B-60-22).
- Otonabee Region Conservation Authority:

The proposed rezoning is appropriate to rezone the land to the Environmental Conservation Zone (EC) to recognize existing wetlands. Therefore, it is the opinion of Otonabee Conservation Authority staff that the application remains consistent with section 3.1 of the PPS.

The subject property is partially subject to Ontario Regulation 167/06 Otonabee Conservation's "development, interference with wetlands and alterations to shorelines and watercourses" regulation. Permits from this agency will be required prior to any site alteration or construction in those areas regulated by Otonabee Conservation.

The subject lands are not located in a vulnerable area as per the Revised Trent Source Water Protection Plan (SPP).

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on September 25, 2023. As of the writing of this Report, there were no concerns identified by Senior Staff.

**Conclusion:**

The requested zoning by-law amendment, to rezone portions of the subject lands from the Rural Zone (RU) to the Environmental Conservation Zone (EC), is required in order to meet conditions of Peterborough County Land Division File B-60-22.

The rezoning will ensure that future development will not negatively impact the key hydrologic feature (unevaluated wetlands). As applied for, the proposed rezoning meets the intent of municipal and provincial policies.

**Financial Impact:**

All costs related to the application for a Zoning By-law Amendment are the responsibility of the Owner/Applicant.

**Report Approval Details**

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|----------------------|---|
| Document Title:      | R-07-23 (Kidd and Spence) Report.docx   |
| Attachments:         | <ul style="list-style-type: none"> <li>- R-07-23 Application-redacted.pdf</li> <li>- R-07-23 County PW Comments (September 27, 2023).pdf</li> <li>- R-07-23 1635 County Road 6 ORCA File No. PPLD-2285 (October 3, 2023).pdf</li> <li>- R-07-23 Enbridge Comments.pdf</li> <li>- R-07-23 HFN Comments (September 25, 2023).pdf</li> <li>- R-07-23 - ZBA Notice.pdf</li> <li>- R-07-23 - Draft By-law.pdf</li> </ul> |
| Final Approval Date: | Oct 10, 2023  |

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

Martina Chait-Hartwig

Elana Arthurs