

Recommendation:

That the Planning-2024-08 report, dated March 19, 2024, regarding Zoning By-law Amendment – File R-04-24 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-04-24; and

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

Overview:

Owners, Jesse and Deborah Murphy have applied to amend the existing zoning on a portion of their property known municipally as 1076 County Road 40, being Roll No. 1522-020-002-07701. The subject property is currently zoned the Residential Zone (R) as shown on Schedule B16 to By-law No. 10-1996, as amended.

The rezoning is required as a condition of Consent Application (File B-65-23), that was conditionally approved by Peterborough County on November 30, 2023.

The effect of the Zoning By-law Amendment is to place a Holding Provision "H" on the severed parcel and will rezone the severed parcel from the Residential Zone (R) to the Residential – Holding Zone (R-H).

A single detached dwelling and private well and septic services are proposed for the severed lot. The severed parcel is adjacent to a non-active historical cemetery and is considered to be within an area of archaeological potential. An archaeological assessment is required prior to the development of the severed parcel. The holding symbol "H" will limit development of the lot until an archeological assessment has been completed and accepted by the applicable Ministry.

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

Notice of the public meeting was given on February 27, 2024 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 on the subject property along the County Road 40 and Centre Dummer Road frontages 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):

As noted above, the severed parcel is adjacent to a non-active historical cemetery. In accordance with the Criteria for Evaluating Archaeological Potential, Ministry of Tourism, Culture and Sport [now the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTC)], the severed parcel is within an area of archaeological potential and an archaeological assessment is required.

Policy 2.6.2 of the PPS states that development and site alteration shall not be permitted in areas of archaeological potential unless significant archaeological resources have been conserved.

Section 4.2.7.1 of the Growth Plan states that cultural heritage resources [defined to include archaeological resources] will be conserved in order to foster a sense of place and benefit communities.

The rezoning, to place a holding symbol "H", will limit development of the severed parcel until an archeological assessment has been completed by a licensed archaeologist and accepted by the MHSTC and will achieve consistency and conformity with the applicable provisions of the PPS and Growth Plan.

In correspondence dated March 6, 2024, 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 located within Centre Dummer. The property is designated Hamlet as illustrated on Schedule A4-2 to the Official Plan. However, Section 6.2.4.1 of the Official Plan specifically identifies Centre Dummer to be designated as a Rural Settlement Area.

The Rural Settlement Area designation permits very limited growth in the form of infilling or as minor extensions by means of consent in accordance with the policies of Section 7.12 (S. 6.2.4.3 (a)).

Both the Hamlet designation and the Rural Settlement Area designation include single detached residential dwellings as a permitted use (Ss. 6.2.3.2 and 6.2.4.2).

Section 5.2.3.3 of the Official Plan requires that where the potential presence of an archaeological resource has been identified by the Ministry of Culture, an archaeological study be undertaken by a licensed archaeological consultant pursuant to the Ontario

Heritage Act. Should any significant archaeological remains be discovered an appropriate mitigation strategy will be developed and conducted to the satisfaction of the Ministry of Culture.

Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

Section 7.11.3 of the Official Plan provides the policy direction for the Township to incorporate Holding Provisions in the Zoning By-law pursuant to the provisions of *The Planning Act*.

A holding zone may be applied when lands are affected by adverse environmental effects or other constraints on development which can be resolved to the Township's satisfaction (S. 7.11.3 (d)).

No development of lands affected by a holding provision shall be permitted and the Township shall not remove the Holding Symbol until the proposal has been approved by all relevant County and Provincial agencies and the necessary agreement(s) have been registered on title. In the interim period until the Holding Provision is removed, the uses permitted shall be restricted to those existing as of the date of adoption of this Plan and public uses and utilities (S. 7.11.3).

In order to achieve compliance with Section 5.2.3.3 of the Official Plan, the decision to approve application B-65-23 includes a condition that the subject parcel be rezoned to place a holding symbol "H" on the severed parcel. The "H" shall only be removed once an archaeological assessment, including Stage 1 and Stage 2, conducted by a licensed archaeologist has been completed and accepted by the applicable Ministry (i.e. MHSTC, as may be amended).

Comments:

Comments have been received from Mark and Christy Leslie requesting to receive notice of Council's decision with respect to this application. As of the writing of this Report, there have been no other comments received from members of the public.

Comments were received from the following agencies:

- Peterborough County Public Works (Engineering and Design): No objections, comments or concerns with respect to this application.
- Enbridge Gas Inc.: No objections to the application.

- Otonabee Region Conservation Authority:

Otonabee Conservation mapping indicates that the proposed development is not located within a known hazard. Therefore, it is the opinion of Otonabee Conservation staff that the application remains consistent with Section 3.1 of the PPS.

Otonabee Conservation mapping indicates that the lands are not subject to Ontario Regulation 167/06 Otonabee Conservation's "development, interference with wetlands and alterations to shorelines and watercourses" regulation. Permits from Otonabee Region Conservation Authority are not required.

It was determined that the subject property is not located within a vulnerable area that is subject to SPP policies. Significant drinking water threats are not possible.

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on February 27, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

Conclusion:

The requested zoning by-law amendment is required in order to meet a condition of Peterborough County Land Division File B-65-23. The severed parcel is proposed to be rezoned from the Residential Zone (R) to the Residential – Holding Zone (R-H).

Section 3.15 of the Comprehensive Zoning By-law No. 10-1996, as amended, states that where any zone symbol is followed by the symbol "H", no person shall use any land, erect, alter, enlarge, use or maintain any building or structure until such time as the holding symbol has been removed by the municipality in accordance with the provisions of *The Planning Act*. Upon removal of the holding symbol the permitted use of the subject property and the erection of any buildings or structures thereon shall be undertaken in accordance with the provisions of the underlying zoning category.

Pursuant to the provisions of Section 36 of *The Planning Act*, the "H", Holding Symbol shall only be removed once any identified development constraints can be addressed to the satisfaction of the Township (S. 3.15 (d)).

The rezoning will ensure that development of the severed parcel will not proceed until the archaeological potential is reviewed and any significant resources have been conserved.

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.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	R-04-24 (Murphy) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none">- R-04-24 Application_Redacted.pdf- R-04-24 - Draft By-law.pdf- R-04-24 - ZBA Notice.pdf- R-04-24 - County ED Comments (February 28, 2024).pdf- R-04-24 - Enbridge Comments (March 1, 2024).pdf- R-04-24 - ORCA Comments File No PPLD-2299 (March 6, 2024).pdf
Final Approval Date:	Mar 13, 2024

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

Martina Chait-Hartwig

Elana Arthurs