

Recommendation:

That Report Planning-2024-07, dated March 19, 2024, regarding Zoning By-law Amendment – File R-03-24 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-03-24; and

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

Overview:

Owners, Peter and Wendy Smith have applied to amend the existing zoning on a portion of their property known municipally as 1090 Fourth Line Road-S-Dummer, being Roll No. 1522-020-003-32401. The subject property is currently zoned the Rural Zone (RU) and the Development Zone (D2) as shown on Schedule B13 to By-law No. 10-1996, as amended.

This rezoning is required as a condition of Consent Application (File B-93-23), that was conditionally approved by Peterborough County on February 8, 2024.

The (D2) Zone reflects a 500 metre waste management assessment area and limits development potential until appropriate studies have been completed in accordance with the Official Plan. Only existing uses are permitted (S. 20.2.3) and the minimum lot area and frontage requirements of the (D2) Zone are “as existing” (S. 20.3.1 (a) & (b)). File B-93-23 will introduce a new residential use and change the existing lot area and frontage.

The effect of the Amendment is to rezone a portion of the subject property (the severed parcel) from the Development Zone (D2) to the Special District 55 Zone (S.D. 55) and from the Rural Zone (RU) to the Special District 55 Zone (S.D. 55) to permit the land to be used for residential purposes and to recognize a deficient lot frontage of 30 metres on Rock Road.

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 Rock Road and Fourth Line Road-S-Dummer 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):

The subject property is located within 120 metres of key natural heritage features and key hydrologic features (provincially significant area of natural and scientific interest (Life Science ANSI), non-evaluated wetlands, deer wintering areas and species at risk). Section 4.2.4.1 of the Growth Plan states that development and site alteration, including lot creation, within 120 metres of these features requires a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres.

Policy 2.1.5 (d) and (e) of the PPS prohibit development and site alteration within significant wildlife habitat and significant ANSI's unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Policy 2.1.7 of the PPS prohibits development and site alteration, within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

An Environmental Impacts (EI) Opinion Letter and Species at Risk (SAR) Evaluation Report were prepared by D.M. Wills Associates Limited (Wills), dated September 13, 2023 in support of the severance application. Both the EI Opinion Letter and SAR Evaluation Report concluded that long-term adverse impacts to SAR, natural heritage features, associated habitat, and local wildlife populations are not anticipated to be resultant from the proposed severance and any potential future development, provided the identified mitigations measures are implemented.

A mitigation measures agreement is required to be registered on title as a condition of the severance application to ensure there will be no negative impacts on the natural features or their ecological functions.

The EI Opinion letter illustrated that the creation of the lot would be located outside of the 30 meter vegetation protection zone (VPZ) adjacent to the unevaluated wetlands.

In correspondence dated March 6, 2024, the Otonabee Region Conservation Authority indicated that the rezoning 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.

The subject property is identified as being within 500 metres of a closed landfill site. Policy 1.2.6.1 of the PPS requires that sensitive land uses (i.e. residential uses) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and minimize

risk to public health and safety in accordance with provincial guidelines, standards and procedures.

The Ministry of the Environment, Conservation and Parks (MECP) recommends that the 500 metre assessment area be used as a study area to determine the impact of the landfill on land use proposals in accordance with MECP Guideline D-4: Land Use on or Near Landfills and Dumps.

A Land Use Compatibility Study - Opinion Letter was prepared by D.M. Wills Associates Limited (Wills), dated July 19, 2023 in support of the severance application. The Opinion letter was based on findings presented in a Land Use Compatibility Study completed by Wills in January 2022 for the adjacent severance, File B-15-23. The Opinion Letter concluded that the findings presented in the 2022 Study support the Client's current Severance Application (B-93-23).

The County of Peterborough did not require peer review of the EI Opinion Letter, SAR Evaluation Report or Land Use Compatibility Study Opinion Letter, given that full assessments and peer review to the satisfaction of the County had been completed for the adjacent severance, File B-15-23.

Copies of the Wills Reports are attached to this Report.

The rezoning application has demonstrated consistency and conformity with the applicable provisions of the PPS and Growth Plan.

Conformity to Official Plan:

The subject property is designated Rural and within a Waste Management Assessment Area (former site) within the Local Component of the County Official Plan.

Low density residential development is a permitted use within the Rural designation (S. 6.2.2.2).

Waste Management Assessment Areas consist of lands within 500 metres of waste management footprints. Waste Management Areas shown on the Official Plan land use schedules identify areas which are known active or closed solid waste disposal sites (S. 6.2.18.1).

In this case, Schedule A4-2 of the Official Plan identifies a waste management area for a former site located west of the subject property along Rock Road.

Section 6.2.18.3(e) of the Official Plan states that MOE [now MECP] recommends that the 500 metre assessment area be used as a study area to determine the impact of the landfill on land use proposals in accordance with MOE Guideline D-4: Land Use on or Near Landfills and Dumps.

As noted previously in this Report, a Land Use Compatibility Study was completed by Wills in January 2022 and a Land Use Compatibility Study - Opinion Letter was prepared by Wills, dated July 19, 2023. The January 2022 Study was peer reviewed by the County's peer reviewer, Stantec Consulting Ltd. In correspondence dated April 5, 2022, Stantec concurred with the Wills conclusion that the Study satisfies the policies in Section 6.2.18.3 (e) of the Township of Douro-Dummer Official Plan and the report supports the severance application.

In correspondence dated November 20, 2023, the County of Peterborough noted that Stantec has further stated that they are satisfied there are no compatibility concerns as confirmed through their previous Land Use Compatibility Study peer-review and review of the July 19, 2023 Land Use Compatibility Study – Opinion Letter.

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, comments or concerns.
- Otonabee Region Conservation Authority:

Otonabee Conservation mapping indicates that the proposed development on the severed lands 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 severed 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. The subject property is located within the vulnerable area(s) listed below. Significant drinking water threats are not possible and a Restricted Land Use Notice is not required.

- Highly Vulnerable Aquifer

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-93-23. The severed parcel is proposed to be rezoned from the Development Zone (D2) to the Special District 55 Zone (S.D. 55) and from the Rural Zone (RU) to the Special District 55 Zone (S.D. 55) to permit the land to be used for residential purposes and to recognize a deficient lot frontage of 30 metres on Rock Road.

The rezoning will ensure that future development of the severed parcel will not negatively impact the key natural heritage and key hydrologic features in the area and will not be impacted by the adjacent closed solid waste disposal site. 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-03-24 (Smith) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> - R-03-24 Application_Redacted.pdf - R-03-24 - ZBA Notice.pdf - R-03-24 Draft Survey (Version 3-02-21-2024).pdf - R-03-24 Draft By-law.pdf - R-03-24 - Enbridge Comments (March 1, 2024).pdf - R-03-24 - HFN Comments (February 27, 2024).pdf - R-03-24 - ORCA File No PPLD-2298 (March 6, 2024).pdf - 93-23 Land Use Compatibility Opinion Letter.pdf - 93-23 Opinion Letter-environmental impacts.pdf - 93-23 Planning Justification Report_final.pdf - 93-23 SAR Evaluation_FINAL.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