

**Recommendation:**

That Report Planning-2024-26, dated November 5, 2024, regarding File R-12-24 (Earnshaw) be received; and

That Council receive all comments related to File R-12-24; and

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

**Overview:**

Agent, Josh Bootsma on behalf of the Owners, Mike and Robyn Earnshaw, has applied to amend the existing zoning on their property known municipally as 1450 Mill Line Road, being Roll No. 1522-020-002-10501. The subject property is currently zoned Environmental Conservation Provincially Significant Wetland (EC(P)) and the Special District 114 Zone (S.D. 114) as illustrated on Schedule A2 to By-law No. 10-1996, as amended.

The Owners wish to convert the existing, approximately 65 square metre (700 square foot), structure on the subject property from a honey house to a single detached dwelling. The Owners are also proposing an approximately 63.17 square metre (680 square foot) residential addition to the east of the existing structure.

The proposed development is located within the (S.D. 114) Zone. A single detached dwelling is only permitted as an accessory use to a honey house. A Zoning By-law Amendment is required to allow the existing structure and addition to be used as a single detached dwelling.

The following natural heritage features are located adjacent to or on the subject property:

Permanent stream, species at risk, non-evaluated wetlands, deer wintering areas, Ouse River Wetlands Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI), Ouse (East) River North Provincially Significant Wetland (PSW).

Given the presence of these natural heritage features, a Wetland Assessment prepared by Greer Galloway, dated September 10, 2024 was submitted in support of the application. A copy of the Wetland Assessment is attached to this Report.

Based on the findings of the Wetland Assessment, the Amendment will also place the Provincially Significant Wetland and a 30 metre (98.43 foot) buffer in the Environmental Conservation – Provincially Significant Wetland Zone (EC(P)).

The proposed development is illustrated on the site plan prepared by Three Hills Engineering Ltd., dated May 11, 2024 (Revision 1 09/18/2024), and attached to this Report.

The property was originally rezoned to a Special District through By-law No. 1999-31 to permit the construction of a honey house prior to the erection of a residence on lands that were zoned Environmental Conservation (EC). A building permit (No. 059-99) was issued on June 3, 1999, to erect a honey house 20 feet x 30 feet (600 square feet/55.74 square metres). The property file does not contain any permits for a single detached dwelling.

The effect of the Amendment is to rezone portions of the subject property from the Special District 114 Zone (S.D. 114) to the Residential (R) Zone to permit the conversion and expansion of the existing building to be used as a single detached dwelling. Portions of the subject property will also be rezoned from the Special District 114 Zone (S.D. 114) to the Environmental Conservation Provincially Significant Wetland Zone (EC(P)) to recognize the findings of the Wetland Assessment.

All other applicable provisions of By-law No. 10-1996, as amended will continue to apply.

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

Notice of the public meeting was provided on October 11, 2024, by ordinary mail and/or e-mail to all prescribed persons and public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was circulated by ordinary mail to every owner of land within 120 metres of the subject property on October 11, 2024. Notice of the public meeting was posted 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 Planning Statement (PPS, 2024):**

Effective October 20, 2024, the Growth Plan and the Provincial Policy Statement were consolidated into one document called the Provincial Planning Statement (PPS, 2024).

The PPS, 2024 is considered a policy statement for the purpose of Section 3 of the Planning Act. All municipal decisions, as well as comments, submissions or advice affecting planning matters, are required to be consistent with the PPS, 2024 pursuant to subsections 3(5) and 3(6) of the Planning Act.

As noted above, the subject property contains and is within 120 metres of a Provincially Significant Wetland (PSW). PPS, 2024 Policy 4.1.4 (a) states that development and site alteration are not permitted in significant wetlands in Ecoregions 5E, 6E and 7E [i.e. the Township of Douro-Dummer]. Policy 4.1.8 states development and site alteration is not permitted on lands adjacent to significant wetlands unless the ecological function of the

adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The proposed development is located outside of the PSW, but within 120 metres. The Wetland Assessment prepared by Greer Galloway states that, during the site investigation, the wetland boundary was identified and a 30-metre setback was established to protect the wetland and its ecological functions. Greer Galloway noted that the proposed addition is outside the wetland setback and impacts to wetlands as a result of the addition are not expected.

Although the Life Science ANSI on the property is not identified as Provincially Significant for the purposes of Policy 4.1.5(e) and 4.1.8 of the PPS, 2024, the Wetland Assessment states that the proposed addition will be within the Life Science ANSI, however, significant impacts are not expected as most of the property is covered with meadow vegetation as the property is no longer used for agricultural activities.

To achieve consistency with the PPS, 2024, the wetlands and a 30-metre buffer are proposed to be rezoned to the Environmental Conservation Provincially Significant Wetland Zone (EC(P)). The remainder of the subject property is proposed to be rezoned to the Residential Zone (R) to identify that the property is no longer used for agricultural purposes and to permit the existing structure and addition to be used for residential purposes.

In correspondence dated October 18, 2024, the Otonabee Region Conservation Authority indicated that the proposed development is located within a known natural hazard. The property is traversed with wetland features which are associated with flooding and unstable soils. ORCA noted that the wetland assessment provided with the application did not provide the necessary information to properly identify the wetland boundaries onsite. However, the proposed rezoning of the Provincially Significant Wetland and a 30-metre buffer is sufficient for this application. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards [now Section 5.2 of the PPS, 2024].

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

The rezoning application has demonstrated consistency with the applicable provisions of the PPS, 2024.

**Conformity to Official Plan:**

The subject property is designated Rural and Provincially Significant Wetland and within the ANSI, Life Science overlay as illustrated on Schedule 'A4-2' to the Official Plan.

The proposed development is located within the Rural designation and Life Science ANSI overlay.

The Rural designation permits low density residential development (S. 6.2.2.2). A maximum of one single detached dwelling is permitted on a lot (S. 6.2.2.3 (b)).

New development may only be established in accordance with the Minimum Distance Separation requirements of the Provincial Policy Statement to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations (S. 6.2.2.3 (d)). The closest livestock facility appears to be located at 1477 Mill Line Road. Minimum Distance Separation Formula I was calculated for the livestock facility based on assessment information and the proposed development will be located outside of the MDS I Arc.

Section 7.28 of the Official Plan states that "Areas of Natural and Scientific Interest are defined as areas of land and water containing natural landscapes or features that have been identified as having a life science or earth science values related to protection, scientific study or education. Development and site alteration shall not be permitted in significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."

The Wetland Assessment prepared by Greer Galloway concluded that significant impacts are not expected to the ANSI as most of the property is covered with meadow vegetation as the property is no longer used for agricultural activities.

The application appears to comply with the Official Plan.

**Comments:**

As of the writing of this Report, one comment was received from a member of the public. The Owner of 1480 Mill Line Road provided written correspondence, dated October 19, 2024, in support of the application. The correspondence indicates they have no objection to the application but does object to the time wasted by and the bureaucracy created by Douro-Dummer. A copy of this correspondence is attached to this Report.

Comments were received from the following agencies:

- Bell Canada: No comments on zoning by-law amendments.
- Enbridge Gas Inc.: No objections to the application.
- Otonabee Region Conservation Authority:

Otonabee Conservation mapping indicates that the proposed development is located within a known natural hazard. The property is traversed with wetland features which are associated with flooding and unstable soils.

The application provided a wetland assessment for the property which did not provide the necessary information to properly identify the wetland boundaries onsite.

The application for the Draft By-law is proposing to rezone the Provincially Significant Wetland and a 30-metre buffer. Staff are of the opinion that this is sufficient for this application as it would cover the feature and likely a buffer area associated with the hazards. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards.

Otonabee Conservation has reviewed this application through our mandated responsibility under Ontario Regulation 686/21. This application is not creating new or proposing to aggravate existing natural hazards.

Otonabee Conservation mapping indicates that the lands are partially subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. Permits from this agency may be required prior to any site alteration or construction in those areas regulated by Otonabee Conservation.

It was determined that the subject property is not located within a vulnerable area that is subject to Trent Source Protection Plan (SPP) policies. Significant drinking water threats are not possible, and a Restricted Land Use Notice is not required.

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on October 11, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

**Conclusion:**

The requested zoning by-law amendment proposes to rezone portions of the subject property from the Special District 114 Zone (S.D. 114) to the Residential (R) Zone and to the Environmental Conservation Provincially Significant Wetland Zone (EC(P)). The rezoning is required to permit the conversion and expansion of the existing building to be used as a single detached dwelling and to implement the findings of the Wetland Assessment prepared by Greer Galloway, dated September 10, 2024.

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.



**Service Modernization and Innovation**

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



**Business Attraction, Expansion, and Retention**

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



**Infrastructure Renewal**

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

**Report Approval Details**

Document Title:	R-12-24 (Earnshaw) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> <li>- R-12-24 - Draft By-law.pdf</li> <li>- R-12-24 Application_Redacted.pdf</li> <li>- R-12-24 1132405199 - 1450 Mill Line Road - Site Layout - 24Sept18.pdf</li> <li>- R-12-24 Wetland Assessment_1450 Mill Line Road Property Letter Report.pdf</li> <li>- R-12-24 - ZBA Notice.pdf</li> <li>- R-12-24 (1480 Mill Line Road - no objection) (October 19, 2024).pdf</li> <li>- R-12-24 - Bell (October 11, 2024).pdf</li> <li>- R-12-24 - Enbridge (October 17, 2024).pdf</li> <li>- R-12-24 - ORCA PPLD-2332 (October 18, 2024).pdf</li> </ul>
Final Approval Date:	Oct 30, 2024

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

Martina Chait-Hartwig

Todd Davis