



ECOVUE

LAND USE PLANNING & DEVELOPMENT

Planning Justification Report

2091 7th Line
Township of Selwyn, County of
Peterborough
Prepared For Chris McCarthy
October 28, 2024

**This Planning Justification Report has been prepared in support of
an Application for Official Plan Amendment application affecting
the subject lands, known legally as:**

**2091 7th Line, Geographic Township of Smith, Township of Selwyn,
County of Peterborough**

EcoVue Project No: 24-2645



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N/A



1.0 Background

The following Planning Justification Report (PJR) is being submitted in support of an Application for Official Plan Amendment under the *Planning Act*, affecting lands located at 2091 7th Line, Geographic Township of Smith, Township of Selwyn, County of Peterborough (**Figure 1 – Site Location**).

An application for Official Plan Amendment is required to redesignate the subject lands in order to permit two (2) future residential severances. The lands are currently designated Rural as per the Local Component of the County of Peterborough Official Plan (CPOP). According to the policies contained in the CPOP, a residential severance is not permitted due to the property and property owner not meeting two (2) severance criteria. As such, a site-specific amendment to the CPOP is required to permit the future Applications for Consent.

This report will provide details of the site characteristics, a summary of the amendment and future proposed residential severance of the subject lands, and an explanation of how the application is consistent with and conforms to the applicable Provincial and local land use planning documents.

1.1 Description of Subject Property and Surrounding Lands

The subject property is located at 2091 7th Line in the Smith Ward of the Township of Selwyn in the County of Peterborough approximately 70 metres west of the Otonabee River. The property is located on the south side of 7th Line and is approximately 10.35 hectares (25.57 acres) with approximately 300 metres (984.25 feet) of municipal road frontage on 7th Line. The property is bounded on the east by Primrose Lane, a private road providing access to a number of dwellings fronting on the Otonabee River.

The property currently contains one (1) existing residential dwelling connected to private individual well and septic system, and one (1) accessory garage. The balance of the lands are comprised of landscaped grasses with some denser vegetation located along the Primrose Lane at the eastern edge of the property.

The property slopes towards the river to the east, dropping approximately 20 metres (67 feet) from a high point on the west lot line.

The subject property is designated Rural in the Local Component of the County of Peterborough Official Plan and currently zoned Rural (RU) and Environmental Protection (EP) according to Map 3 of the Township of Selwyn Comprehensive Zoning By-law No. 2009-021.

The surrounding land uses are primarily rural, low density residential, and agricultural. Lands within the immediate vicinity of the proposed development are zoned Lakeshore Residential (LR), Residential Type One (R1), Development (D), Rural (RU), and Environmental Protection (EP). The property is bound by:

- Residential uses to the east;
- Future development lands to the north; and
- Rural and agricultural uses to the west and south.

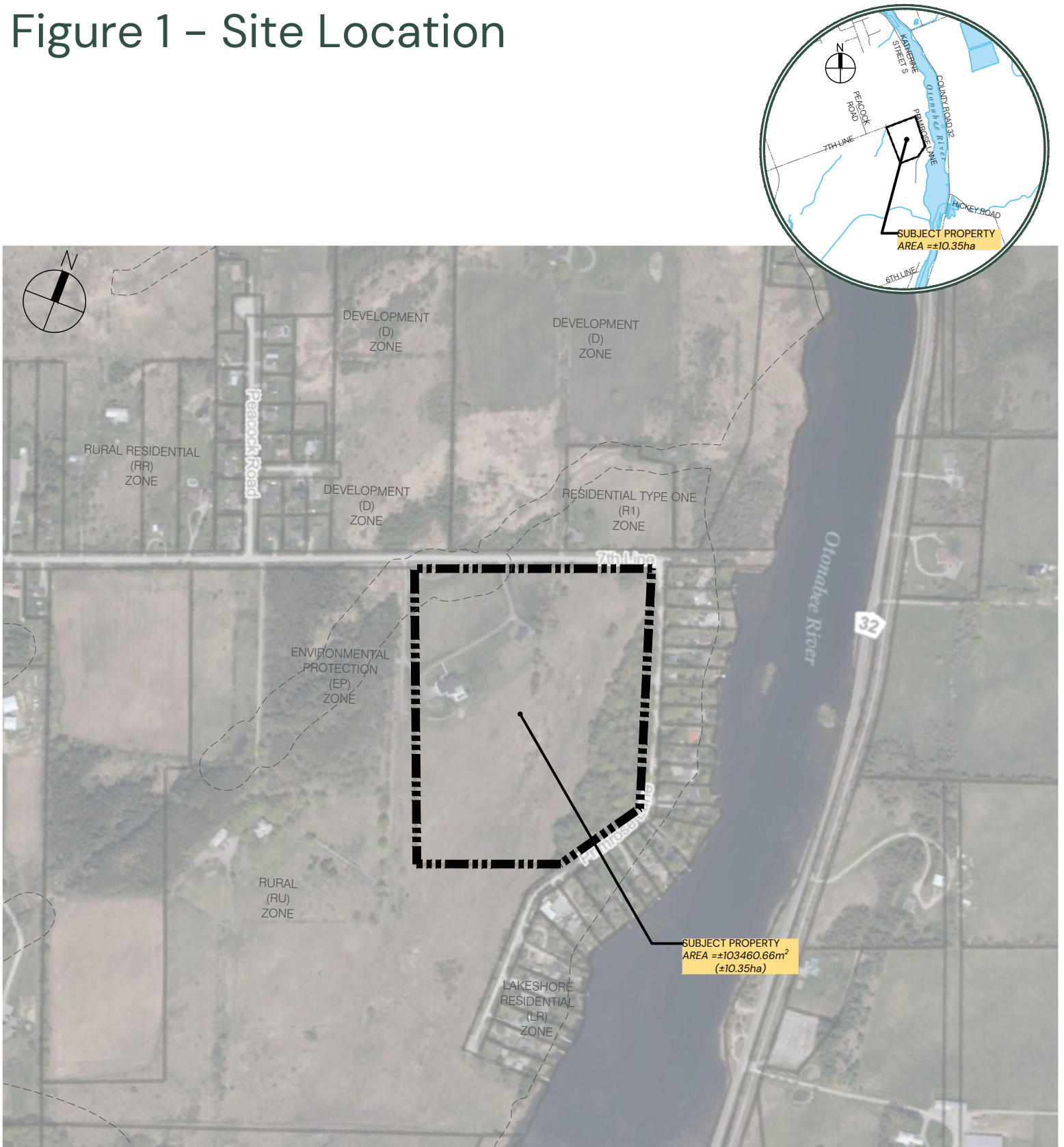
1.1.1 FUTURE APPLICATIONS FOR CONSENT

For the purposes of understanding the requested amendment, the proposed severed lots are as follows:

- Severed Lot #1: 1.0 acres (~4,060 square metres) with ~51 metres of frontage on 7th Line;
- Severed Lot #2: 1.0 acres (~4,060 square metres) with ~51 metres of frontage on 7th Line; and
- Retained Lands: 23.56 acres (~95,342 square metres or 9.53 hectares) with 195.65 metres of frontage on 7th line.

Please refer to the proposed severed lots shown in **Figure 2 – Concept Plan**.

Figure 1 – Site Location



Primrose & 7th Line Consents

Chris McCarthy

2091 Seventh Line, Lakefield, ON

Part of Lot 27&28

Concession 06

Geog. Twp. of Smith

Township of Selwyn

Peterborough County

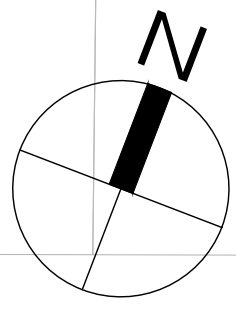
Project Number: 24-2695

Horiz. Scale: 1:6,500

Date: October 24, 2024

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7TH LINE ±298.28m

±195.65m

±50.50m

±52.13m

±81.00m

±81.11m

LOT TO BE SEVERED
AREA = ±4063.45m²
(±1.00acre)

LOT TO BE SEVERED
AREA = ±4058.69m²
(±1.00acre)

LOT 27
CON 06
SMITH

LOT 28
CON 06
SMITH

LOT TO BE RETAINED
AREA = ±95342.17m²
(±23.56acres)

SUBJECT PROPERTY
AREA = ±103460.66m²
(±25.56acres)

±371.55m

±290.55m

PRIMROSE LANE
±301.84m

±121.92m

±180.59m

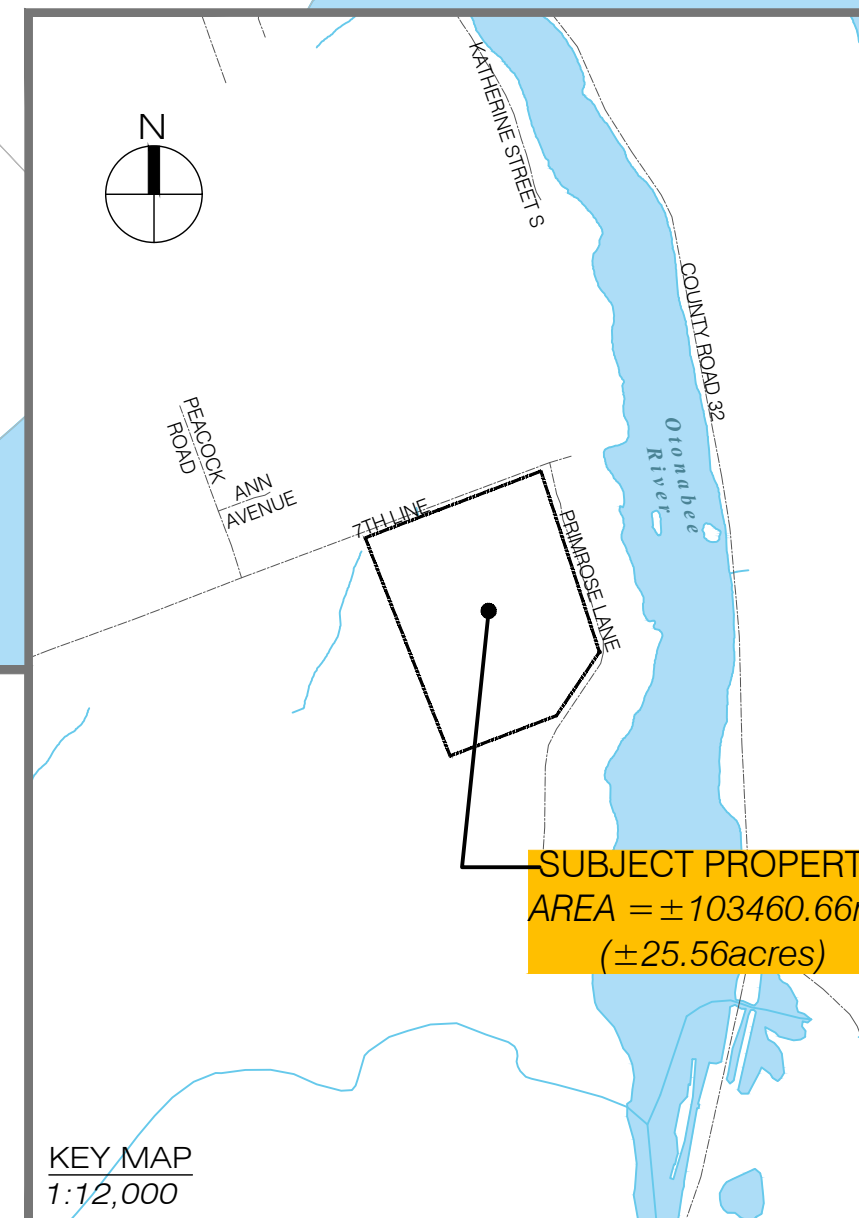
Otonabee River

LEGEND

-  Subject Property
-  Existing Parcels
-  Existing Road
-  Lots to be Retained
-  Lots to be Severed

NOTES:

1. Property Boundaries are approximate



CONSENT SKETCH
CS1

Primrose & 7th Line Consents
Chris McCarthy

2091 Seventh Line, Lakefield, ON
Part of Lot 27&28
Concession 06
Geog. Twp. of Smith
Township of Selwyn
Peterborough County

Project Number: 24-2695
 Drawn By: PP
 Horiz. Scale: 1:900
 Revision Date: March 25, 2024

1.2 Description of the Proposed Amendment

The property owner is proposing to create two (2) residential parcels with municipal frontage on 7th Line. However, due to policies contained in Section 6.2.2.5 of the Local Component of the County of Peterborough Official Plan (CPOP), the subject lands are not eligible to be severed. More specifically, Section 6.2.2.5 states that within the Township of Selwyn, one (1) residential severance may be granted *“for one of the following purposes:*

- i) *a residential lot with the **retained parcel being a minimum 20 hectares** (or less than 20 hectares if the reduction was a result of land being taken or dedicated for public infrastructure purposes), **the subject parcel having been owned by the applicant for a period of at least 10 years**; and the severed parcel complying with the requirements of the implementing Zoning By-law;*

The proposed severances would not meet the minimum retained area and ownership requirements noted above. Further, the landowner/applicant is proposing more than one severance, which is above the maximum permitted in the Rural designation within the Township. As such, the applicant is requesting an Official Plan Amendment (OPA) to redesignate the subject lands to a special policy designation to permit up to two (2) severances where the lands have not been owned by the applicant for at least 10 years, and the retained lands are less than 20 hectares.

It is important to note, however, that the Council of the County of Peterborough adopted a new Official Plan on June 29, 2022 (2022 CPOP). According to the 2022 CPOP, a maximum of two (2) severances are permitted in the Rural designation in the Township of Selwyn, provided the lot existed for at least five (5) years. Furthermore, the retained lot area and ownership requirements noted in Section 6.2.2.5 of the CPOP are not included in the 2022 CPOP. Therefore, the subject lands would be eligible for up to two (2) severances under the policies of the adopted 2022 CPOP, without the need for an amendment.

As there is no anticipated date for MMAH to approve the new CPOP, the property owner is proposing to amend the Official Plan to permit the two (2) residential severances. As discussed below and as articulated in the County adopted 2022 CPOP, the proposed OPA to permit the severances on the subject lands is in keeping with the goals and objectives of the Township and County.

Applications for Consent will come following the approval of the proposed OPA. As stated, the proposed severed lots each have an area of 1.0 acres (~4,060 square metres) and ~51 metres of frontage on 7th Line. This would leave the balance of the lands with an approximate area of 23.56 acres (~95,342 square metres or 9.53 hectares) and 195.65 metres of frontage on 7th Line.

1.3 Pre-Consultation with the County of Peterborough and Township of Selwyn – April 17, 2024

A virtual pre-consultation meeting was held by the County of Peterborough and the Township of Selwyn on April 17, 2024, and was attended by EcoVue Consulting Services Inc. staff and representatives from the Otonabee Region Conservation Authority (ORCA) and Hiawatha First Nation. A copy of the Pre-consultation Notes has been provided in **Appendix A** to this Report.

The County of Peterborough, Township of Selwyn, ORCA, and Hiawatha First Nation provided their review of the proposal and outlined the supporting materials required to be submitted with the application for Official Plan Amendment. As such, the following materials have been prepared in support of the Official Plan Amendment application:

1. Planning Justification Report, prepared by EcoVue Consulting Services Inc.;
2. Scoped Natural Heritage Evaluation, prepared by Oakridge Environmental Limited. (**Appendix B**); and

The Scoped Natural Heritage Evaluation concluded that, although Species At Risk (SAR) and Significant Wildlife Habitat (SWH) were identified through desktop surveys and during their field survey on May 9th, 2024, detailed mitigation measures (which have been included in the Report) can be undertaken pre- and post-development to ensure no negative impact on such features.

3. Stage 1 and 2 Archaeological Assessment, prepared by Northeastern Archaeological Associates Limited (**Appendix C**).

The Stage 1 Archaeological Assessment concluded that, due to the elevated topography of the subject lands, their proximity to the Otonabee River (~300 metres to the east), and Stage

1 research had determined that the site may not have previously been subject to intensive soil disturbance, a Stage 2 Assessment was recommended.

The Stage 2 Archaeological Assessment was initiated on-site, and did not identify any archaeological resources or artifacts of archaeological importance within the lands proposed to be severed in the future. The study also recommended that, if the balance of the retained lands is proposed to be developed, a Stage 2 Archaeological Assessment be undertaken.

Notwithstanding, should anything be discovered during development of the subject lands, all work will cease, and the appropriate authorities will be contacted.

It also should be noted that, based on expressed interest from surrounding First Nations communities, Northeastern Archaeological Associates has circulated the Stage 1 and 2 Assessments *“to Curve Lake First Nation, Hiawatha First Nation and Alderville First Nation in an effort to fulfill the duty to consult, engage and a commitment to transparency in the archaeological assessment process.”*



2.0 Policy Review

Land use policies and regulations at the provincial level that affect the subject lands include the *Planning Act* and the associated 2024 Provincial Planning Statement (PPS)

At the municipal level, the County of Peterborough Official Plan (CPOP), and the Township of Selwyn Comprehensive Zoning By-law No. 2009-021 (TSZBL) are applicable.

In this section of the Report, the application is reviewed in the context of the policies and provisions contained within these documents.

2.1 Provincial Planning Statement (2024)

The new 2024 Provincial Planning Statement (PPS) came into effect on October 20, 2024. This document will replace the current 2020 Provincial Policy Statement and the 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe. This new document provides policy direction on matters of provincial interests as they are related to land use planning. The PPS is issued by the Province under Section 3 of the *Planning Act* and it is required that all decisions affecting planning matters “*shall be consistent with*” policy statements issued under the *Act*. Consideration has been given to the relevant provisions of the PPS with respect to the subject planning application.

2.1.1 BUILDING HOMES, SUSTAINING STRONG AND COMPETITIVE COMMUNITIES

Chapter 2 of the PPS contains policies designed to build strong and healthy communities in the Province of Ontario. According to Section 2.1.4 (Planning for People and Homes) of the PPS:

“To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.”*

Furthermore, Section 2.1.6 a) states that: “[p]lanning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options, [...]”. Looking at how the PPS defines the term “housing options”, it states:

“Housing options: means a range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low-and mid-rise apartments [...]”

The proposed development is located within the rural area of the Township of Selwyn; according to applicable PPS, Official Plan policies and Zoning By-law provisions (discussed in greater detail later in this Section and Report), limited, compatible residential development is permitted within the rural areas. It is proposed that the future use of the severed lots will be for residential purposes (i.e. one (1) single detached dwelling). It is our opinion that, although development is typically directed to the settlement area, the entirety of single-detached dwelling development cannot be located within the Township’s settlement areas. As such, a portion of this development is required to occur within the rural areas.

Furthermore, it should be noted that the future proposed severed lands are located directly to the south of the Lakefield Urban Settlement Area; as such, lands less than 100 metres away have been identified by the Township as an area of desired future development interest. It is our opinion that the proposed amendment to permit the future severances would be contributing to the Township’s goal of development within this area.

2.1.2 RURAL AREAS IN MUNICIPALITIES

It is stated in Section 2.5.1(a) that “[h]ealthy, integrated and viable rural areas should be supported by...building upon rural character and leveraging rural amenities and assets”. The subject lands currently contain an existing residential dwelling. The proposed amendment proposes to create two (2) residential lots, each proposed to contain a residential dwelling on private individual well and septic. As noted, there are a number of single detached dwellings on rural residential lots on 7th Line to the east and west. Therefore, it is our opinion that the proposed severances will maintain the rural character of the area.

2.1.3 RURAL LANDS IN MUNICIPALITIES

Section 2.6 of the PPS speaks to rural lands in municipalities. It is stated in Section 2.6.1 that permitted uses within rural lands shall include:

- a) *The management or use of resources;*
- b) *Resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
- c) *Residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;***
- d) *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *Home occupations and home industries;*
- f) *Cemeteries; and,*
- g) *Other rural land uses.*

The proposed Official Plan Amendment is being requested to permit the creation of two (2) residential parcels within the rural area of the Township of Selwyn. As per the above-noted policy, residential development, *including lot creation*, is permitted within the rural areas, where appropriate servicing can be provided. It is our opinion that the proposed amendment to the County of Peterborough Official Plan is consistent with Section 2.6.1 of the PPS.

Furthermore, the retained lands will continue to maintain the existing residential uses connected to on-site private servicing, which is also consistent with the above-noted policy.

Section 2.6.2 of the PPS states that "*development that can be sustained by rural service levels should be promoted*", and Section 2.6.3 states that "*development shall be appropriate to the infrastructure which is planned or available and avoid the need for the uneconomical expansion of this infrastructure*".

The future severances are proposed to each be serviced via private individual well and septic system. As the retained lands are currently connected to private individual well and septic, there is no concern relating to establishing servicing within the proposed lots. The proposed

severed parcels are located in close proximity to many Township services located within Lakefield and immediate surrounding area.

Furthermore, the proposed development will not impact any current agricultural uses and does not require an uneconomical expansion of infrastructure as private services will be used.

Therefore, it is our opinion that the proposed OPA on the subject lands is consistent with Section 2.5 and 2.6 of the PPS.

2.1.4 SEWAGE, WATER AND STORMWATER POLICIES

Policies related to Sewage, Water and Stormwater are found in Section 3.6 of the PPS. Section 3.6.4 states that:

“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts [...]”

As stated, the future severed lots are proposed to be serviced via private individual well and septic. The retained lands will continue to be serviced via existing individual private individual well and septic, and there is no anticipated increase in usage or consumption.

2.1.5 NATURAL HERITAGE

Section 4 of the PPS outlines policies regarding the wise use and management of resources. Specifically, Section 4.1 speaks to natural heritage. The applicable Subsections under Section 4.1 are listed below:

“4.1.1 Natural features and areas shall be protected for the long term.

[...]

4.1.5 Development and site alteration shall not be permitted in: [...] d) significant wildlife habitat; [...] unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

[...]

- 4.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 4.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 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.”*

According to the available Provincial mapping and the County of Peterborough GIS, the location of the proposed future severances does not contain any natural heritage or hydrologic features. Notwithstanding, the County had identified low spots within the subject lands that could contain wetlands. Furthermore, the retained lands contain an intermittent stream, and the proposed severed lands are approximately 100 metres to the west of the Otonabee River. As such, a Scoped Natural Heritage Evaluation was requested by the County of Peterborough.

A Scoped Natural Heritage Evaluation (sNHE) was prepared by Oakridge Environmental Limited, which evaluated the potential natural heritage and hydrologic features within the subject lands and within 120 metres of the property. The sNHE consisted of a desktop study and a field visit to the property on May 9th, 2024, which is within migratory bird season.

The desktop study confirmed that several Species At Risk (SAR) and potential for Significant Wildlife Habitat (SWH) had historically been found in the area. The study had also identified the potential for other species and their habitats, including bird, amphibian/reptile, insect, and flora/fauna. As such, the field survey focused on such species and their habitats.

During the field survey, three (3) SAR were detected – eastern meadowlark, grasshopper sparrow, and wood thrush. The sNHE states that there are no impacts to the eastern meadowlark or grasshopper sparrow as any lands that could be potential habitat are being avoided. Additionally, the sNHE has included specific mitigation measures to ensure any potential SWH for the wood thrush be maintained.

The sNHE concluded that, based on the correct implementation of the stated mitigation measures contained in Section 10.0 and 11.0 of the sNHE, the proposed development of the

subject land in the form of two (2) residential severances will not impact any potential natural heritage or hydrologic features.

As such, it is our opinion that the proposed development is consistent with Section 4.1 of the PPS.

2.1.6 CULTURAL HERITAGE AND ARCHAEOLOGY

Section 4.6 of the PPS states *“planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.”*

A Stage 1 and Stage 2 Archaeological Assessment was completed by Northeastern Archaeological Associates Limited. A summary of the Assessment is contained in Section 1.4 of this Report, which concluded that there are no items of archaeological importance or significance located within the property boundaries. As such, no additional assessment is required. Notwithstanding, should anything be discovered during construction, work will cease, and the appropriate authorities will be contacted.

Therefore, the proposal is consistent with Section 4.6 of the PPS.

2.1.7 NATURAL HAZARDS AND HUMAN MADE HAZARDS

Chapter 5 of the PPS address developments that occur within natural and human-made hazards. Section 5.2.2 states that *“[d]evelopment shall generally be directed to areas outside of:*

- a) hazardous lands adjacent to the shorelines of the Great Lakes –St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) c) hazardous sites.”*

The lands proposed to be developed as a result of this amendment do not contain any natural or human-made hazards such as steep slopes or floodplains.

As such, it is our opinion that the proposal is consistent with Chapter 5 of the PPS.

2.2 Local Planning Documents

In addition to demonstrating consistency with Provincial planning policies, it is necessary that the proposal conforms to the policies and provisions of the municipal planning documents. The County of Peterborough Official Plan and the Township of Selwyn Comprehensive Zoning By-law No. 2009-021 are reviewed in the sections below.

2.2.1 COUNTY OF PETERBOROUGH OFFICIAL PLAN

The County of Peterborough Official Plan (CPOP) is a high-level document intended to direct all forms of development to appropriate lands within the County, while protecting important natural features, such as lakes, rivers, woodlands, and species habitat. The plan is also intended to provide opportunities for future growth and development within the County of Peterborough and its lower-tier municipalities, including the Township of Selwyn, while maintaining the general character of the area. Applicable policies within the CPOP are addressed below. The Plan provides several schedules (maps) that identify land use designations.

The subject lands are designated Rural and Cultural Landscape according to Section 4.3 to the County of Peterborough Official Plan (CPOP).

As stated in Section 4.2.2 of the CPOP, some of the objectives of the Rural and Cultural Landscape include:

“to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape; [...] and

to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water; [...]”

It is our opinion that the proposed Official Plan Amendment (OPA) to permit two (2) rural residential severances, which will be supported via private individual well and septic, within the rural area of the Township, aligns with the County’s goals for the Rural and Cultural Landscape areas.

It is further stated in the General Development policies for the Rural and Cultural Landscape (Section 4.3.3.1) that:

*“Rural areas will generally be the focus of resource activity, resource based recreational activity and **other rural land uses**. The County, recognizing the need for growth on a limited basis, **will permit non-agricultural related uses in the rural community outside prime agricultural areas** and other agricultural areas designated in local plans **in accordance with Section 4.3.3.2** which reflect the cultural and rural character of the area, **promote a variety of living** and employment **opportunities for the rural community** and do not negatively impact on the natural environment that cannot be located in settlement areas; [...]*

Furthermore, this Section states that new land uses, including the creation of lots, shall comply with Minimum Distance Separation (MDS I) formulae, and with the Source Water Protection policies of Section 5.7 (if applicable).

As per the above-noted policies, the CPOP encourages compatible non-agricultural uses, including residential development such as lot creation, within the rural area, provided there is no negative impact on natural heritage or surrounding land uses. As concluded in the submitted sNHE, there is no impact to features, subject to the proposed mitigative measures. Furthermore, the future severances comply with applicable MDS I setbacks.

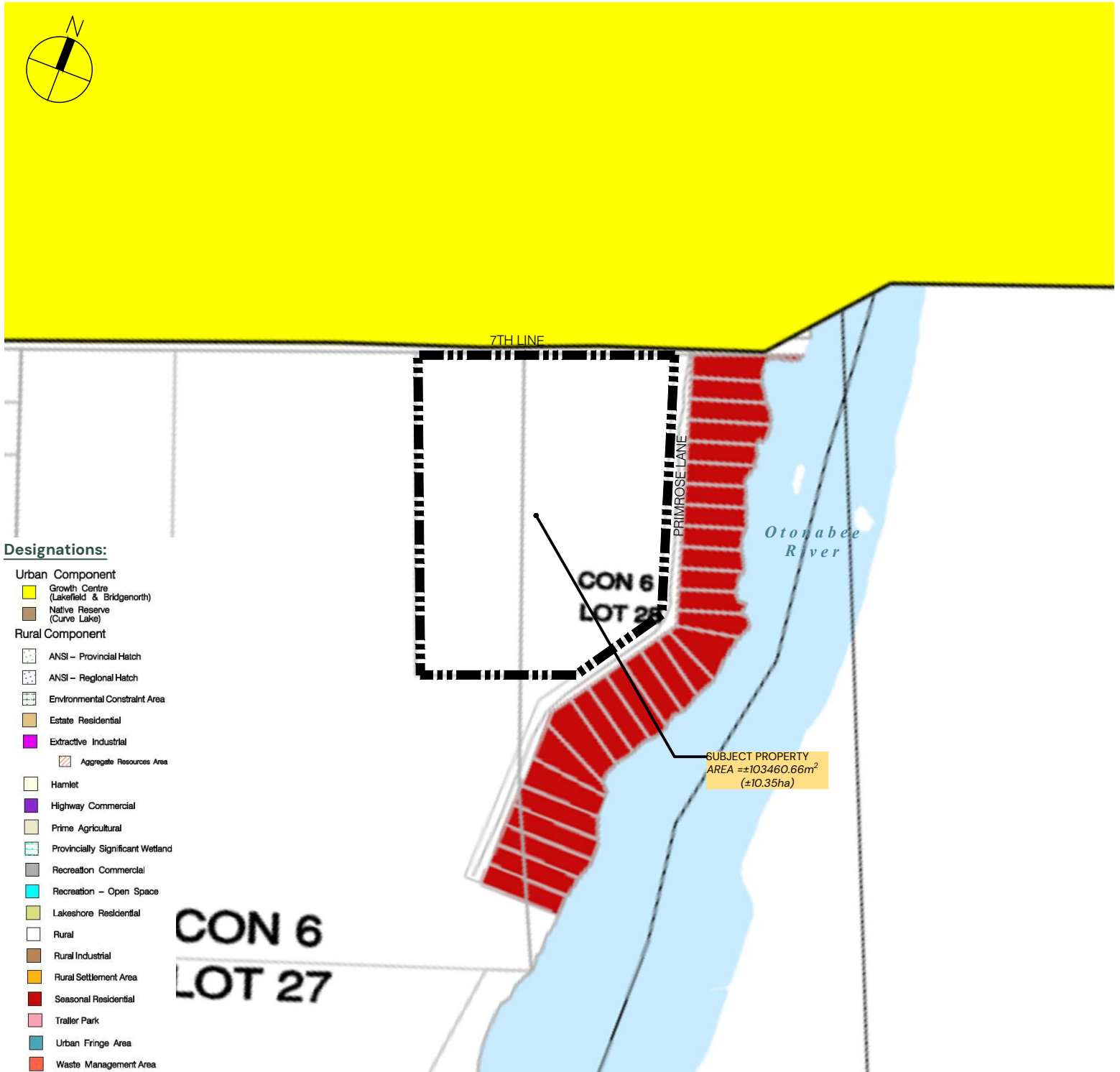
2.2.2 LOCAL COMPONENT – COUNTY OF PETERBOROUGH OFFICIAL PLAN

Local Official Plan policies applicable to the Township of Selwyn are contained in Sections 6.0 and 7.0 of the CPOP. According to the County of Peterborough GIS, which delineates the designations of the Local Component of the CPOP, the subject lands are designated Rural. Policies applicable to the Rural designation are contained in Section 6.2.2.

2.2.2.1 RURAL DESIGNATION

Section 6.2.2.2 states that *“[d]evelopment by consent will be permitted within the Rural designation, although that development shall be limited and will be subject to the following policies.”* This Section goes on to state that *“[l]ow density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted.”* According to Section 6.2.2.3 b), *“[a] maximum of one single-detached dwelling shall be permitted on a lot.”* As such, the proposed OPA to permit the creation of two (2) low-density residential lots is permitted within the Rural designation.

Figure 3 – Municipality of Smith–Ennismore–Lakefield Official Plan Schedule 'A1' Land Use Plan



Primrose & 7th Line Consents

Chris McCarthy

2091 Seventh Line, Lakefield, ON

Part of Lot 27&28

Concession 06

Geog. Twp. of Smith

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Project Number: 24-2695

Horiz. Scale: 1:6,500

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According to Section 6.2.2.5 (Residential Consents), the following policies apply to consent applications (non-applicable policies have been omitted):

- a) *“A consent may be granted within the Rural designation provided that the consent policies in Section 7.12 and the following policies are addressed.*

Although not being proposed at this time, conformity with Section 7.12 is discussed below.

- b) *In Selwyn, one consent to create a new lot may be granted on a lot as it existed as per Section 6.1.1 for one of the following purposes:*
 - a. *a residential lot with the retained parcel being a minimum 20 hectares (or less than 20 hectares if the reduction was a result of land being taken or dedicated for public infrastructure purposes), the subject parcel having been owned by the applicant for a period of at least 10 years; and the severed parcel complying with the requirements of the implementing Zoning By-law; or*
 - b. *for infilling as defined. “Infilling” shall refer to a situation where one new residence is to be located between two existing lots of record which are separated by a distance of not more than 100 metres (328 feet) on the same side of the road; or where one new residence is to be located between two currently abutting lots where the distance between existing houses is not greater than 150 metres (500 feet).*

According to Section 6.1.1, “[a] lot shall be determined as being a legal parcel of land as it existed in accordance with the following: i) Selwyn: January 1, 1978 [...]”.

The subject lands have an approximate area 10.35 hectares (25.57 acres), which does not comply with the minimum retained lot area required to permit one (1) residential severance. Additionally, since the ownership of the lands changed in the last 10 years due to a death in the family, the lands have not been in consistent ownership for over 10 years. Lastly, the proposed severances would not be situated between two existing lots, and therefore, would not be considered infilling.

As such, the proposed future severances do not conform with these policies, and an Official Plan Amendment (OPA) is being requested. The proposed OPA would place the future severance lands into a site-specific Rural designation, limiting development to two (2) new

residential lots. A summary of the requested OPA is summarized in the following Subsection (2.2.2.1.1) of this Report.

It should be noted that the subject lands, although designated Rural, are located directly to the south (on the opposite side of 7th Line) from lands designated Low Density Residential in the Village of Lakefield Official Plan. It is our opinion that the proposed amendment to permit future residential severances in such close proximity to lands designated for development is in keeping with the Township's and County's goals for this area.

e) The lot shall be located so that it does not interfere with the efficient operation of a neighbouring farm unit. Rural residential uses shall be in conformity with the Minimum Distance Separation requirements of the Provincial Policy Statement (PPS).

As stated, the proposed future severances will comply with any applicable MDS I setbacks.

f) Rural residential uses shall only be located in areas which are served by roads that are municipally-assumed and maintained, schools, commercial uses and community facilities."

The proposed future severed lots will each be accessed via 7th Line, a year-round municipally maintained road.

2.2.2.1.1 Rationale for Official Plan Amendment

An Official Plan Amendment is being requested to seek relief from Section 6.2.2.5 b) of the County of Peterborough Official Plan in order to permit the property owner to submit two (2) applications for Consent over the subject lands. As stated above, the proposal does not meet Section 6.2.2.5 b) for the following reasons:

1. The original parcel is not 20 hectares;
2. The current landowner has not owned the original parcel for more than 10 years; and
3. The Official Plan currently only permits one (1) severance.

The policies of Section 6.2.2.5 b), specifically as they relate to lands being in concurrent ownership for longer than 10 years, and a minimum lot area of 20 hectares to permit severances in the rural area, do not appear to be based in any planning rationale, nor are these requirements derived from the *Planning Act* or any other provincial planning document

(i.e. Provincial Planning Statement). In our opinion, the ownership of a lot should not have any bearing on the planning merits for severing land.

Also, the requirement for a minimum of 20 hectares for the retained parcel does not have any quantitative merit. While it is understood that this policy may have been introduced to avoid fragmentation of farmland, the subject lands are not considered high quality agricultural land, by virtue of their designation (Rural, as opposed to Prime Agricultural). Further, lots that are less than 20 hectares are not necessarily viable for large farm operations.

The County of Peterborough Official Plan, under Section 6.1.1, states that within the Township of Selwyn that a property is considered eligible for a severance if it is existing on or before January 1, 1978. The subject lands have existed since before this date and have not been severed previously. Therefore, if not for the ownership and minimum lot area tests not being met, the subject lands would be eligible for a severance.

The proposed severances also conform to the general Criteria for Assessing Consent Applications in the County Official Plan, as detailed below.

Furthermore, the policies contained in Section 6.2.2.5, which the amendment is seeking relief from, have not been carried over to the new, Council-adopted 2022 County of Peterborough Official Plan (2022 CPOP). Specifically, Section 3.5 of the new County of Peterborough Official Plan does not contain any policies speaking to length of ownership or minimum lot areas (i.e. 20 hectares) for retained lands. Section 3.5 of the 2022 CPOP also states that the minimum lot area for new residential lots in the Rural designation is 0.4 hectares, which both proposed severed lots will meet.

Additionally, the new CPOP permits a maximum of two (2) residential severances within the Rural designation, where only one (1) is permitted under the current Official Plan.

Therefore, based on the direction of the County and Township, and the overarching policies at the Province and County level, it is our opinion that the proposed Official Plan Amendment to permit two (2) rural residential severances represents good planning.

The proposed Official Plan Amendment would place the proposed future severed lands into a Rural Special Policy Area, which will permit two (2) proposed severances on the subject lands.

2.2.2.2 CRITERIA FOR ASSESSING CONSENT APPLICATIONS

Section 7.12 of the CPOP outlines criteria for assessing consent applications in the lower-tier municipalities included in the CPOP, which includes the Township of Selwyn. The following summarizes the relevant policies from this section:

- i. *A consent shall only be granted where the proposed lot fronts upon an improved public street or road, which is maintained year-round, and which is of a reasonable standard of construction. The County, when considering an application for consent, may request a report from the appropriate road authority. Direct access from major roads should be restricted, and residential lots should, where possible, have access only from internal or minor roads;*

The subject lands, and the proposed future severances, are located on and will have direct access to 7th Line, a year-round municipally maintained road.

- ii. *The proposed consent shall not jeopardize future plans for comprehensive residential development;*

The subject property is outside of a settlement area and is not subject to comprehensive residential planning.

- iii. *No consent shall be permitted which would impede access to interior portions of existing lots, or create landlocked parcels of land;*

As noted, the proposed lots will not be landlocked and will have direct access from a publicly maintained road.

- iv. *The impact of the proposed severance on the Municipality's financial status shall be considered (upgrading of roads, municipal servicing, development charges, etc.);*

Due to the scale (rural residential use with private servicing) of the proposed development, it is our opinion that the proposed severance will not have any foreseeable impact on the financial status of the Municipality.

- v. *Compatibility with adjacent land use and traffic;*

The proposed development includes one (1) additional rural residential dwelling per lot (2 total), which is compatible with surrounding rural land use and will not generate any significant change in traffic patterns or volumes.

- vi. *The availability of suitable servicing such as fire protection, school facilities and busing, police protection, etc.;*

Given that the subject lands are located directly south of the Village of Lakefield, a settlement area, it is anticipated that the available services will be appropriate for one additional rural residential dwelling.

- vii. *All consent applications (where applicable) should be reviewed by Peterborough City-County Health Unit to determine suitability for septic systems and wells;*

It is our opinion that the severed lot includes sufficient area to accommodate private servicing. It is understood that the Township of Selwyn is responsible for reviewing the septic permitting within the Township.

- viii. *A sketch plan of the proposed development shall be submitted in support of the application for consent;*

A consent sketch is included in this submission.

- i. *Lots shall be a suitable size and shape for the proposed use. For consents in the Rural Component, a hydrogeologic study may be required to confirm adequacy of potable water supply and suitability for sewage disposal."*

It is our opinion that the size and shape of the proposed lots are suitable for rural land use. Furthermore, due to the size of the proposed lot, it is our opinion that private servicing of the lot can occur without any impact.

Given the above, it is our opinion that the proposed future severances conform to the relevant lower-tier (Selwyn) land use policies of the CPOP. Furthermore, it is our opinion that the proposed application for Official Plan Amendment conforms with all policies of the CPOP.

2.2.3 TOWNSHIP OF SELWYN COMPREHENSIVE ZONING BY-LAW NO. 2009-021

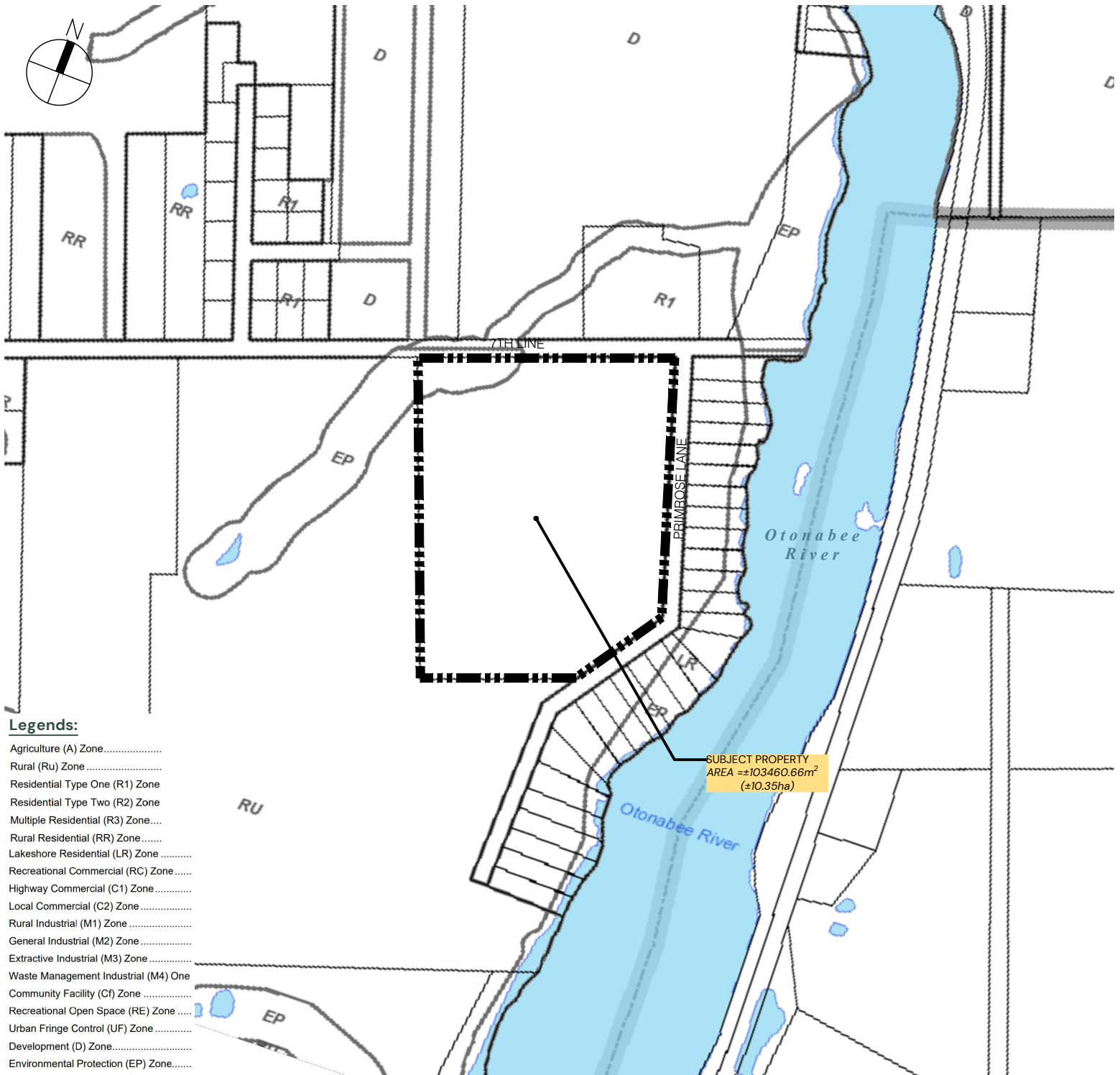
According to Schedule B2 of the Township of Selwyn Comprehensive Zoning By-law No. 2009-021 (TSZBL), the property is zoned the Rural (RU) Zone and Environmental Protection (EP) Zone (**Figure 5**). The lands subject to the future severances is zoned entirely RU Zone.

According to Section 4.8, the RU Zone has a minimum lot area of 20 hectares (49.42 acres) with 200 metres of frontage on a municipally maintained road. The future severances will each be proposed with an approximate lot area of 1.0 acres (~4,060 square metres) and ~51 metres of frontage on 7th Line. These lots would therefore not meet the minimum requirements of the RU Zone and would be required to be rezoned.

The retained lot, will have an approximate area of 23.56 acres (~95,342 square metres or 9.53 hectares), which will not meet the minimum requirements of the RU Zone. As such, the retained lands will also need to be rezoned.

It is anticipated that a Zoning By-law Amendment (ZBA) will be required after approval of the OPA and conditional approval of the Consent applications.

Figure 4 – Township of Selwyn Zoning Bylaw
Schedule 'GIS online'



Legends:

- Agriculture (A) Zone.....
- Rural (Ru) Zone.....
- Residential Type One (R1) Zone.....
- Residential Type Two (R2) Zone.....
- Multiple Residential (R3) Zone.....
- Rural Residential (RR) Zone.....
- Lakeshore Residential (LR) Zone.....
- Recreational Commercial (RC) Zone.....
- Highway Commercial (C1) Zone.....
- Local Commercial (C2) Zone.....
- Rural Industrial (M1) Zone.....
- General Industrial (M2) Zone.....
- Extractive Industrial (M3) Zone.....
- Waste Management Industrial (M4) One
- Community Facility (Cf) Zone.....
- Recreational Open Space (RE) Zone.....
- Urban Fringe Control (UF) Zone.....
- Development (D) Zone.....
- Environmental Protection (EP) Zone.....

Primrose & 7th Line Consents

Chris McCarthy

2091 Seventh Line, Lakefield, ON
Part of Lot 27&28
Concession 06
Geog. Twp. of Smith
Township of Selwyn
Peterborough County

Project Number: 24-2695

Horiz. Scale: 1:6,500

Date: October 24, 2024

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3.0 Summary



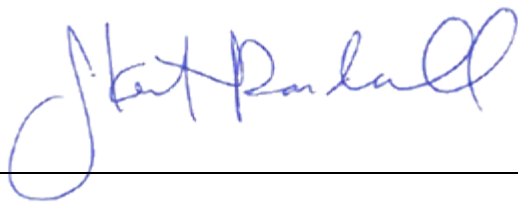
This planning report describes the proposed Official Plan Amendment application in order to permit two (2) future residential severances on the subject lands and provides analysis for the application in the context of the Provincial Planning Statement, the County of Peterborough Official Plan, and the Township of Selwyn Comprehensive Zoning By-law No. 2009-021.

It is the opinion of the author that:

- The proposed development is consistent with the applicable provisions of the 2024 Provincial Planning Statement;
- The proposed development conforms to the purpose and intent of the County of Peterborough Official Plan;
- An amendment to the Township’s Zoning By-law will be required after approval of the OPA and Consents;
- The proposed development represents good planning and is in the public interest.
- The application for Official Plan Amendment to permit future severances on the subject lands should be approved.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S., MCIP, RPP
Principal Planner



Jessica Rae Reid, B.A
Planner





4.0 Appendices

4.1 Appendix A:

Pre-Consultation Summary: County of Peterborough and Township of Selwyn

4.2 Appendix B:

Scoped Natural Heritage Evaluation: Oakridge Environmental Limited

4.3 Appendix C:

Stage 1 and 2 Archaeological Assessment: Northeastern Archaeological Associates Limited



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