

# PLANNING JUSTIFICATION **REPORT**

Consent Application

1500 Sandy Bay Road  
Township of Penetanguishene

Date:

**July 2023**

Prepared for:

**Peter Raikes**

Prepared by:

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# 1.0 INTRODUCTION

MacNaughton Hermesen Britton Clarkson Planning Limited ("MHBC") has been retained by Peter Raikes (the "Owner") to review the planning merits of a proposed Consent application to create three new lots and one retained lot (for a total of four lots) on the subject lands located at 1500 Sandy Bay Road in the Town of Penetanguishene.

The subject lands are generally located on the west side of Sandy Bay Road, between Watson Road to the south, and Gordon Drive and Georgian Bay to the north. The subject lands have a lot area of approximately 7 hectares (17 acres) and a lot frontage of 425 metres on Sandy Bay Road. The subject lands are currently developed with single detached dwelling and an accessory building.

From a land use perspective, the following applies to the subject lands:

- Located within a Settlement Area in the context of the Provincial Policy Statement and the Growth Plan;
- Designated as a Settlement Area in the County of Simcoe Official Plan;
- Designated Rural Area and Environmental Protection in the Town of Penetanguishene Official Plan; and,
- Zoned Rural (RU) and Environmental Protection (EP) in the Town Zoning By-law.

This report has been prepared to provide a summary and analysis of the applicable land use planning policies, pertaining to the proposed Consent application.

## 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are generally located on the west side of Sandy Bay Road, between Watson Road to the south, and Gordon Drive and Georgian Bay to the north. The subject lands have a lot area of approximately 7 hectares (17 acres) and a lot frontage of 425 metres on Sandy Bay Road which is identified as a local road. The subject lands are currently developed with single detached dwelling and an accessory building. The existing single detached dwelling has been existing on the subject property for approximately 15 years. .

The surrounding land uses generally include rural and rural residential properties, and shoreline residential properties to the north of the subject lands. Other than the existing portion of the subject lands that are developed, the subject lands contain existing tree cover. The subject lands generally slope from south to north in the direction of Georgian Bay.

## 3.0 PROPOSAL

The Owner is proposing to create three new residential lots on the subject lands, and one retained lot, for a total of four lots. A Consent application is required to create the new lots. A draft survey has been prepared and is included as Appendix 1. Table 1 provides a summary of the proposed lot configuration.

Table 1: Proposed Lot Configuration

Proposed Lot	Lot Area	Approximate Lot Frontage
Retained Lot (Part 4)	63,156 square metres (6.3 ha)	260 metres
Proposed Lot 1 (Part 1)	2,676 square metres	90 metres
Proposed Lot 2 (Part 2)	2,114 square metres	42 metres
Proposed Lot 3 (Part 3)	2,043 square metres	39 metres

The proposed Retained Lot is to contain the existing single detached dwelling and accessory building, and the proposed three lots to be created are to be vacant and will be used for future residential uses.

## 4.0 PLANNING ANALYSIS

## 4.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (hereinafter referred to as the “PPS”) is applicable to the subject lands. Planning Authorities are to be consistent with the PPS when exercising any authority. The following is a summary of most relevant policies of the PPS as they apply to this the proposal.

Section 1.1.3 of the PPS includes policies regarding Settlement Areas. Settlements Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The Town of Penetanguishene is identified as a Primary Settlement Area within the County of Simcoe Official Plan. Settlement Areas are the location where a mix of land uses are permitted, including residential uses. The subject lands are located within a Settlement Area, which in the case of the Town of Penetanguishene, encompasses the entire Town. New lot creation within a Settlement Area is consistent with the policy direction for Settlement Areas in the PPS.

The PPS includes policies regarding Sewage, Water and Stormwater in Section 1.6.6 and identifies that the preferred form of servicing is municipal services (sewage and water), and where not available, communal services are permitted. In situations where these two methods of servicing are not available, private services (well and sewage system) may be permitted. Section 1.6.6.4 of the PPS states,

*“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 on-site 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. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.”*

Based on the existing development being serviced by individual on-site sewage (septic system) and individual on-site water (well) and the size of the proposed lots, there are no anticipated issues associated with providing these services. The owner submitted a septic suitability report that demonstrates that each of the proposed new lots can be adequately serviced with a well and septic system.

Section 2.0 of the PPS contains policies related to the wise use and management of resources. Ontario’s long-term prosperity, environmental health, and social well-being are dependent on protecting water and natural heritage features. Section 2.1.1 of the PPS states that, “Natural features and areas shall be protected for the long term.”

On Schedule B1 of the Town Official Plan, the subject lands are identified as containing an Environmental Protection Overlay. As a result of this Overlay, an Environmental Impact Study was prepared to review the natural heritage features and functions on the subject lands, and to provide mitigation measures to ensure there would be no negative impacts associated with the proposal. The conclusions of the Environmental Impact Study are that the proposed lots would not have a negative impacts to: Local/Coastal Wetlands; Significant Woodlands; Significant Wildlife Habitat Functions; Habitat Linkage or individuals or habitat of species protected under the *Endangered Species Act* consistent with the requirements of the Town of Penetanguishene Official Plan, the PPS and Sections 9 and 10 of the *Endangered Species Act*. The location and the proposed lot configuration is a result of the site specific study that was completed, and the proposed lots avoid the wetland communities identified on the subject lands. The Environmental Impact Study does

include some recommended mitigation measures, which could, if required, be implemented through a Consent Agreement to be required as a condition of provisional Consent.

Section 3.0 of the PPS contains policies related to directing development away from natural or human-made hazards. There are no hazards identified on the subject lands.

In accordance with the County of Simcoe's requirements, the owner submitted an Archaeological Assessment for the subject lands which confirmed there were no concerns and no archaeological artifacts were found.

The proposed Consent application is consistent with the PPS.

## 4.2 Growth Plan

The Places to Grow - Growth Plan for the Greater Golden Horseshoe, 2020 (hereinafter referred to as the "Growth Plan") was created by the Province to guide the building of stronger more prosperous communities through the management of growth. The intent of the Growth Plan is to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan contains various policies that guide decisions on how land is developed.

The Growth Plan policies are consistent with the Provincial Policy Statement in that growth is generally directed to Settlement Areas. The guiding principles and vision of Section 1.2.1 for the Greater Golden Horseshoe (GGH) provides the basis for direction on land use planning. Generally, these principles support growth in compact and complete communities which protect environmental features, and optimize the use of existing and new infrastructure to support a strong economy. The subject lands are located within a Settlement Area.

Section 2.2.1 of the Growth Plan provides policies for Managing Growth. The vast majority of growth will be directed to Settlement Areas that have a delineated built boundary and Section 2.2.1.2 c) states that growth is to be focused in delineated built-up areas. The subject lands are located beyond the built-up area of the Town of Penetanguishene's Settlement Area, however the local Official Plan for the Town of Penetanguishene permits the creation of new lots in this area of the Town.

Policies regarding Designated Greenfield Areas are included in Section 2.2.7 of the Growth Plan. The subject lands would be considered a Designated Greenfield Area since its location is outside the built boundary of the Town. Section 2.2.7.1 of the Growth Plan states,

*“New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:*

- a) supports the achievement of complete communities;*
- b) supports active transportation; and*
- c) encourages the integration and sustained viability of transit services.”*

The Town of Penetanguishene has established policies for new lot creation within this area and assists in providing a full range of housing which is an element under the definition of a complete community and could contribute to providing opportunities for active transportation, and potentially transit services if they were to become available in the future.

Section 4.2.2 of the Growth Plan references the Natural Heritage System. Section 4.2.2.1 states,

*“The Province will map a Natural Heritage System for the GGH to support a comprehensive, integrated, and long-term approach to planning for the protection of the region’s natural heritage and biodiversity. The Natural Heritage System mapping will exclude lands within settlement area boundaries that were approved and in effect as of July 1, 2017.”*

The subject lands are located within a Settlement Area that was approved and in effect prior to July 1, 2017 and therefore the natural heritage mapping is not applicable to the subject lands or the proposed applications.

The Simcoe Sub-area policies in the Growth Plan (Section 6) are applicable to the Town of Penetanguishene. The Town is identified as a Primary Settlement Area in Schedule 8 of the Growth Plan. The Simcoe Sub-area contains population and employment forecasts for each municipality within the County of Simcoe. The proposed Consent application will contribute to the growth within the Town.

The proposed Consent application conforms to the Growth Plan.

## 4.3 County of Simcoe Official Plan

The subject lands are designated as Settlement in the County of Simcoe Official Plan. In accordance with Table 5.1 of the County OP, the Town of Penetanguishene is identified as a Primary Settlement Area.

The County Official Plan through Section 3.1.1 identifies that most growth will be directed to the settlements throughout the County. This policy also clarifies that the term settlements will refer to both primary settlement areas and urban and rural settlement areas. Since the Town of Penetanguishene is recognized as a Settlement, the policy context is considered supportive for the proposed applications.

The County OP permits land division by consent in accordance with Policy 3.3.2 for uses that are permitted by the designation, or that maintain the intent of the Official Plan. The lands are



designated by the Town to permit residential uses and lot creation; as such the use of the proposed applications if approved would maintain the intent of the Official Plan.

Regarding lot creation, Section 3.3.1 of the County Official Plan states,

*"In the Settlement designation, in addition to lots for commercial, industrial, institutional, recreational, and other urban uses, zoning bylaws may make provision for detached dwelling units, garden suites, second units in residential dwellings and mixed use buildings, and multi dwelling residential buildings. Notwithstanding the above, areas identified in local municipal official plans as lands not for urban uses within settlements/settlement areas shall be subject to the applicable policies of the local municipal official plan."*

Policy direction regarding lot creation is included in the Town of Penetanguishene Official Plan and the proposed Consent conforms to those policies.

Natural Heritage policies are included in Section 3.3.15 of the County Official Plan. On Schedule B1 of the Town Official Plan, the subject lands are identified as containing an Environmental Protection Overlay. As a result of this Overlay, an Environmental Impact Study was prepared to review the natural heritage features and functions on the subject lands, and to provide mitigation measures to ensure there would be no negative impacts associated with the proposal. The conclusions of the Environmental Impact Study are that the proposal can be achieved with no negative impacts to: Local/Coastal Wetlands; Significant Woodlands; Significant Wildlife Habitat Functions; Habitat Linkage or individuals or habitat of species protected under the *Endangered Species Act* consistent with the requirements of the Town of Penetanguishene Official Plan, the PPS and Sections 9 and 10 of the *Endangered Species Act*. The location and the proposed lot configuration is a result of the site specific study that was completed, and the proposed lots avoid the wetland communities identified on the subject lands. The Environmental Impact Study does include some recommended mitigation measures, which if required, could be implemented through a Consent Agreement as a condition of provisional Consent.

Section 3.5 of the County Official Plan relates to Settlements. Section 3.5.1 identifies that one objective is to focus growth and development within settlements and Section 3.5.4 promotes development forms and patterns that minimize land consumption and servicing costs. The proposed lots have been evaluated from a policy and environmental perspective, and makes use of existing services to the area.

Section 4.7 of the County Official Plan contains infrastructure policies and Section 4.7.6 further outlines the circumstances under which development can occur within settlements while using individual on-site water and sewage systems. Based on the existing development being serviced by individual on-site sewage (septic system) and individual on-site water (well) and the size of the proposed lots, there are no anticipated issues associated with providing these services.

The proposed Consent application conforms to the County of Simcoe Official Plan.

## 4.4 Town of Penetanguishene Official Plan

In regards to the Town of Penetanguishene Official Plan, the following applies to the subject lands:

- Designated Rural Area and Environmental Protection on Schedule A;
- Identified as containing an Environmental Protection Overlay on Schedule B1;
- Located within a Significant Groundwater Recharge Area on Schedule B2; and,
- Located on local road on Schedule C.

Low density residential uses are permitted within the Rural Area designation in accordance with Section 4.9.1.8 of the Town Official Plan. Lands within the Rural Area are typically unserviced or partially serviced and predominantly contain rural residential uses, including single detached dwellings. Limited residential development shall occur in the Rural Area in accordance with the land division policies on Section 6.3.5 of the Town Official Plan. Development will be subject to policies of Section 3.10 and boundaries of Schedule B1 to determine any natural resources, Natural Heritage Features and Functions, which may be a constraint to development.

It is our opinion that the proposed new lots to be created by consent are limited residential development. The Town has seen a number of residential subdivisions and multi-unit residential developments in recent years and in this context the three additional lots proposed are limited.

Section 3.10 of the Town Official Plan contains policies regarding natural heritage features and areas. On Schedule B1 of the Town Official Plan, the subject lands are identified as containing an Environmental Protection Overlay. As a result of this Overlay, an Environmental Impact Study was prepared to review the natural heritage features and functions on the subject lands, and to provide mitigation measures to ensure there would be no negative impacts associated with the proposal. The conclusions of the Environmental Impact Study are that the proposal can be achieved with no negative impacts to: Local/Coastal Wetlands; Significant Woodlands; Significant Wildlife Habitat Functions; Habitat Linkage or individuals or habitat of species protected under the *Endangered Species Act* consistent with the requirements of the Town of Penetanguishene Official Plan, the PPS and Sections 9 and 10 of the *Endangered Species Act*. The location and the proposed lot configuration is a result of the site specific study that was completed, and the proposed lots avoid the wetland communities identified on the subject lands. The Environmental Impact Study does include some recommended mitigation measures, which if required, could be implemented through a Consent Agreement as a condition of provisional Consent.

The subject lands are located within a Significant Groundwater Recharge Area. These are areas on the landscape that are characterized by porous soils, such as sand or gravel, that allows the water to seep easily into the ground and flow to an aquifer. A recharge area is considered significant when it helps maintain the water level in an aquifer that supplies a community with drinking water. Within this area, the Town shall encourage the use of mitigation measures such as low impact development.

Section 6.3.5.2 of the Town Official Plan includes policies regarding Consents. A Consent shall not result in the creation of more than five new lots in a single application. Where feasible and applicable, the Town should limit strip development (linear development along a road) and require the clustering of lots to minimize the use of land. The proposed lot creation does not result in strip development and utilizes lands that do not contain environmental features and areas on the subject lands.

Table 1 provides a summary of the policies that are used to evaluate Consent applications in all designations of the Town Official Plan, included in Section 6.3.5.2.3.

Section Number	Policy	Official Plan Conformity
6.3.5.2.3	a) Road Access	
	i. The lot to be retained and the lot to be severed shall have frontage on and access to an open, improved public road which is maintained on a year-round basis.	The proposed lots have frontage on and access to an open, improved public road which is maintained on a year-round basis, being Sandy Bay Road.
	ii. Lots shall not be created which would create a traffic hazard due to limited sight lines on curves or grades.	<p>The proposed lots are located on Sandy Bay Road which does have a curve. Due to the separation of the proposed lots and the proposed lot frontages, there are opportunities for driveway locations where no traffic hazards are anticipated.</p> <p>The owner submitted a site line analysis to demonstrate that driveways can be accommodated on the proposed lots without resulting in a traffic hazard.</p>
	iii. Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.	Noted. No road widenings are planned for Sandy Bay Road.
	iv. Notwithstanding subsection i., the lot to be retained and the lot to be severed may have frontage on and access to a Private Road where the consent is to separate two existing dwellings on a lot of record.	Not applicable.
	b) Lot Size	
	i. The lot area and frontage of both the lot to be retained and the lot to be severed shall be adequate for existing and proposed uses and shall allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering.	The proposed lots are to comply to the minimum standards of the applicable zone in the Zoning By-law, and are of adequate size to accommodate residential uses.
	ii. The proposed lots shall comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards in the by-law or a minor variance may be granted as a	The proposed lots are to comply to the minimum standards of the applicable zone in the Zoning By-law.

	condition of approval, where that action is considered appropriate.	
c) Proper Development of Adjacent Lands		
	i. The proposed lot(s) shall not restrict the development of parcels of land, particularly the provision of access to allow the development of remnant parcels in the interior of a block of land.	The proposed lots do not restrict access to any adjacent lands, including the retained lot.
d) Parkland Dedication		
	i. Where a consent is approved, the parkland dedication policies of Section 6.3.11.2 shall apply.	Noted.
e) Municipal Services		
	i. Connection shall be made to municipal services provided they are available. Where they are not, individual water and sewage services may be permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts.	There are no municipal services available on the subject lands. The existing development on the proposed retained lot is serviced by a well and a septic system. No negative impacts are anticipated as a result of individual water and sewage services on the proposed three new lots. The Owner has submitted a Septic Feasibility Assessment to demonstrate that a well and septic can be placed on each proposed new lot.
	<p>f) The Town may require the following conditions of approval of a consent application for the severed lot and/or retained lot where such a condition is appropriate:</p> <ul style="list-style-type: none"> <li>i. Payment of taxes;</li> <li>ii. Payment of development charges;</li> <li>iii. Payment of drainage and local improvement charges;</li> <li>iv. Provisions for connection to the municipal water or sanitary sewage systems</li> <li>v. Provisions for Stormwater Management</li> <li>vi. Road dedications and improvements;</li> <li>vii. Parkland dedications or payment-in-lieu;</li> <li>viii. Approval of a Zoning By-law amendment or minor variance;</li> <li>ix. Approval of a Site Plan;</li> </ul> <p>Other technical matters deemed appropriate by the Town under the specific circumstances of the Consent.</p>	Noted. It is understood that staff will consider a provisional approval of the Consent application, subject to the completion of conditions.

	<p>g) Consents for building purposes shall not be permitted under the following circumstances:</p> <ul style="list-style-type: none"> <li>i. The land is located within any Natural Heritage Features and Areas, and a suitable building site cannot be found through the evaluation completed in an Environmental Impact Study;</li> <li>ii. The land is located in a floodway</li> <li>iii. The land is located on or within 300 metres of an area, as identified by the Province;</li> <li>iv. Provincial or Town transportation objectives, standards or policies cannot be maintained; or</li> <li>v. The created and retained parcels cannot be provided with an adequate level of service.</li> </ul>	<p>An EIS was prepared to demonstrate there are building envelopes available on the proposed three new lots, which are not subject to flooding or subject to any area identified by the Province.</p> <p>There is adequate level of services available in this area of the Town, and the area is developed with similar type existing uses.</p>
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The proposed Consent application conforms to the Town of Penetanguishene Official Plan.

## 4.5 Town of Penetanguishene Zoning By-law

The subject lands are located within the Rural (RU) Zone and Environmental Protection (EP) Zone in the Town of Penetanguishene Zoning By-law. The subject lands are predominantly zoned RU and the proposed three lots and existing development area on the retained lot are not subject to the EP Zone. The existing and proposed uses (single detached dwellings) are permitted within the RU Zone. The minimum lot area for the RU Zone for single detached dwellings is 2,000 square metres and the minimum lot frontage is 35 metres.

Table 2 provides a summary of the RU Zone standards compared to the proposed lot configuration.

Table 2: Zone Standards

Proposed Lot	Lot Area <b>Minimum 2,000 square metres</b>	Approximate Lot Frontage <b>Minimum 35 metres</b>
Retained Lot (Part 4)	63,156 square metres	260 metres
Proposed Lot 1 (Part 1)	2,676 square metres	90 metres
Proposed Lot 2 (Part 2)	2,114 square metres	42 metres
Proposed Lot 3 (Part 3)	2,043 square metres	39 metres

The proposed lot standards of the retained lot and the three new lots comply to the Zoning By-law. Further, the existing single detached dwelling to be located on the retained lot meets the minimum standards for the RU Zone in regards to required yards and lot coverage. The existing development will comply to the Zoning By-law.

## 5.0 TECHNICAL REPORTS

### 5.1 Environmental Impact Study

An Environmental Impact Study was prepared by Azimuth Environmental to review the natural heritage features and functions on the subject lands, and to provide mitigation measures to ensure there would be no negative impacts associated with the proposal. The conclusions of the Environmental Impact Study are that the proposal can be achieved with no negative impacts to: Local/Coastal Wetlands; Significant Woodlands; Significant Wildlife Habitat Functions; Habitat Linkage or individuals or habitat of species protected under the *Endangered Species Act* consistent with the requirements of the Town of Penetanguishene Official Plan, the PPS and Sections 9 and 10 of the *Endangered Species Act*.

The location and the proposed lot configuration is a result of the site specific study that was completed, and the proposed lots avoid the wetland communities identified on the subject lands. The Environmental Impact Study does include some recommended mitigation measures, which if required, could be implemented through a Consent Agreement as a condition of provisional Consent.

### 5.2 Other Reports

Following the pre-consultation meeting with Town staff, an additional three technical reports/analysis were required:

- Archaeological Assessment – No archaeological artifacts were located on the subject lands.
- Septic Feasibility Assessment – The information provided demonstrates that there is sufficient areas to site future development on the proposed lots, including a well and septic system.
- Sight Distance Analysis – The proposed driveway locations were investigated in terms of potential safety hazards associated with the curve in Sandy Bay Road. It was concluded that based on specific driveway locations, the minimum safety requirements for driveways can occur in a safe manner.

## 6.0 SUMMARY AND FINDINGS

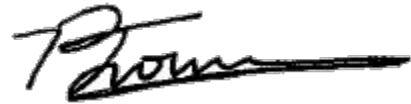
Following a review of the applicable policies in the Provincial Policy Statement, the Growth Plan, the County of Simcoe Official Plan and the Town of Penetanguishene Official Plan, the proposed Consent application to create three new lots, plus one retained lot, for a total of four lots on the subject lands is consistent or in conformity with the applicable land use planning policies and documents and represents good land use planning.

Respectfully submitted,

**MHBC**



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