



Planning Justification Report

245 Church Street

Town of Penetanguishene, County of Simcoe

Prepared For Schuren Sriskandarajah
January 5, 2024



This Planning Justification Report has been prepared in support of a Plan of Subdivision application and a Zoning By-law Amendment application affecting the subject lands, known legally as:


245 Church Street, Town of Penetanguishene, County of Simcoe

EcoVue Project No: 21-2132



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1.0 Background



The following Planning Justification Report (PJR) is being submitted in support of a Plan of Subdivision and Zoning By-law Amendment under the *Planning Act*, affecting lands located at 245 Church Street, Town of Penetanguishene (**Figure 1 – Site Location**). The property owner is seeking to create 31 new residential units on the site.

An application for a Plan of Subdivision and a Zoning By-law Amendment are required to permit the proposed plan of subdivision. This report will provide details of the site characteristics, a summary of the proposed development, and an explanation of how the applications are consistent with and conforms to the applicable Provincial and local land use planning documents.

1.1 Description of Subject Property and Surrounding Lands

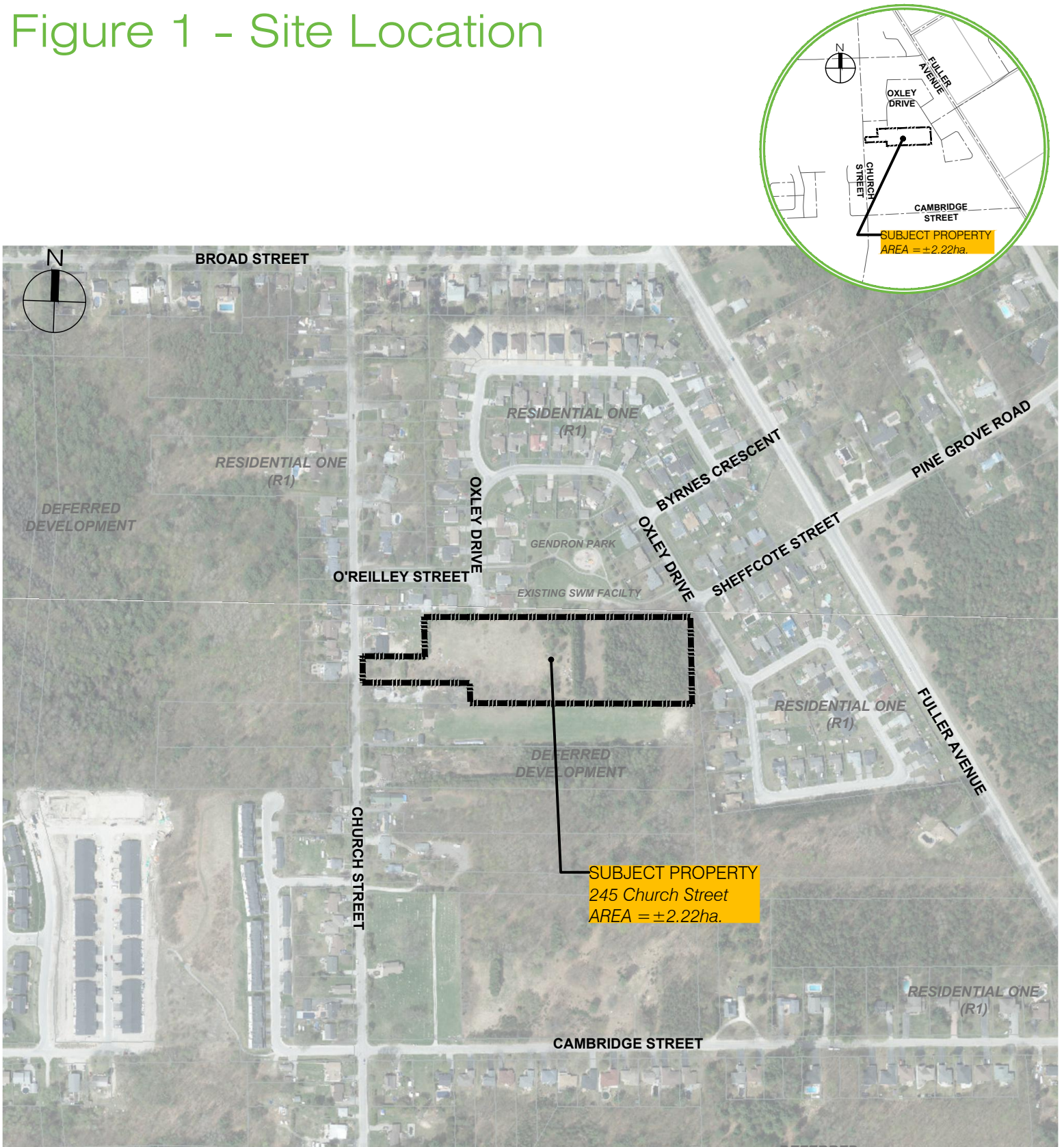
The subject property is located at 245 Church Street in the Town of Penetanguishene. The property is located on the east side of Church Street, approximately 550 metres east of the Penetang Harbour. The property is approximately 2.22 hectares (5.49 acres) with approximately 26.12 metres (85.70 feet) of frontage on Church Street. The surrounding lands are mostly comprised of existing low density residential development. Lands within the immediate vicinity of the proposed development are all zoned in the Residential One (R1) Zone or the Deferred (D) Zone. The property is bound by:

- Church Street and residential development to the west;
- Oxley Drive to the east;
- Deferred development lands to the south; and,
- Gendron Park and residential development to the north.

The property is currently vacant and contains a mixture of vegetation cover, predominantly at the eastern end of the property.

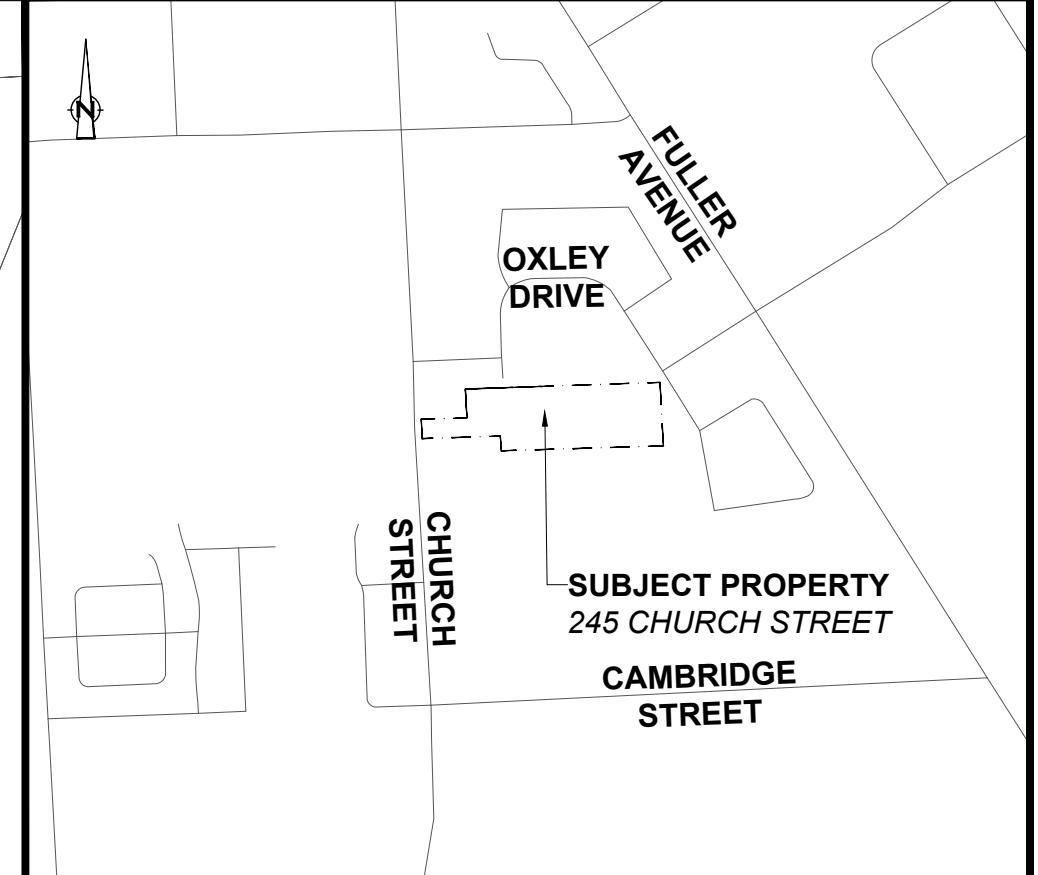
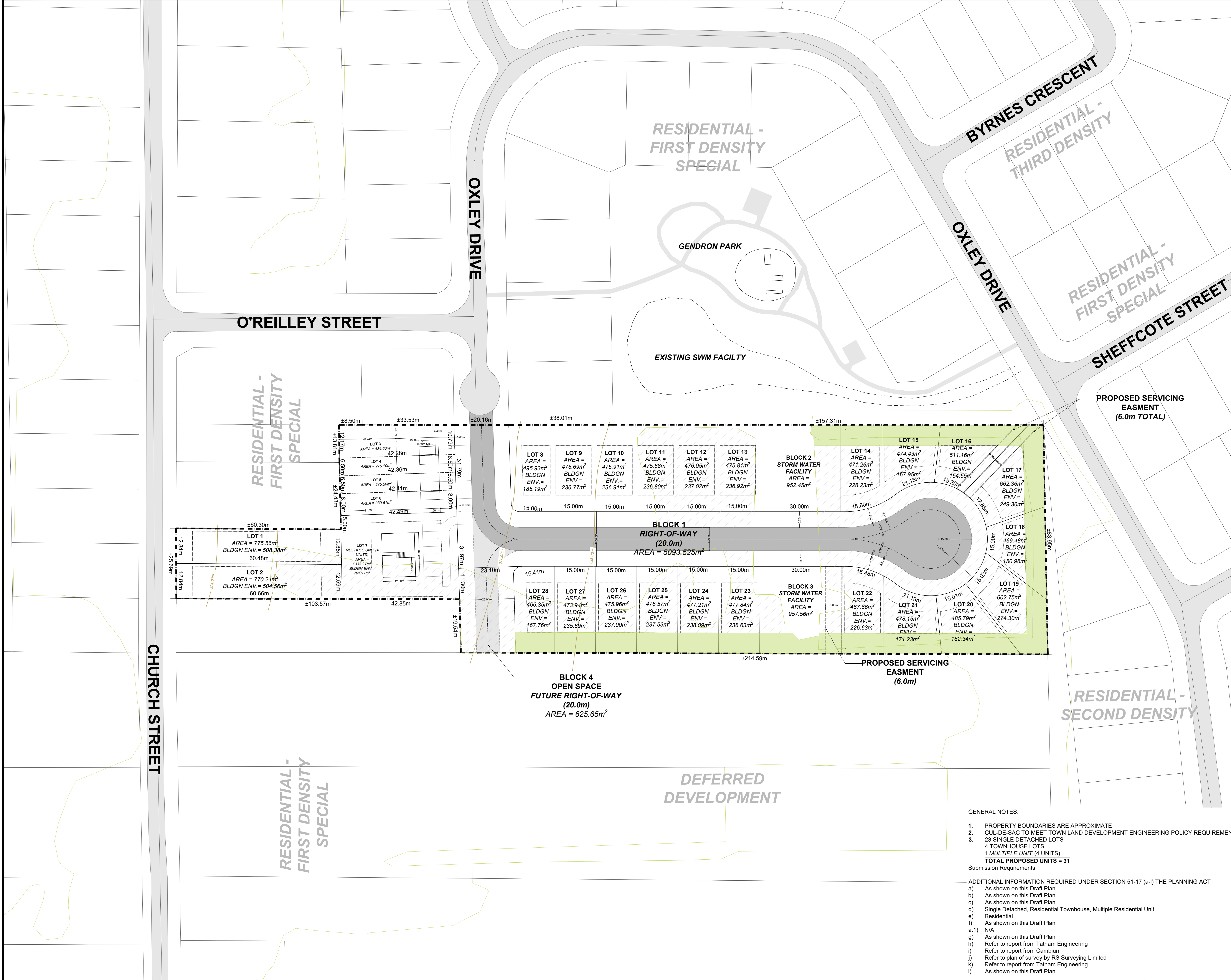
The subject property is currently zoned Deferred Development (D) on Schedule A to the Town of Penetanguishene Zoning By-law and designated Neighbourhood Area on Schedule A to the Town of Penetanguishene Official Plan.

Figure 1 - Site Location



Church Street Subdivision
 Koenig Developments Ltd.
 245 Church Street
 Geog. Twp. of Simcoe
 Town/City of Penetanguishene

Project Number: 21-2132
 Horiz. Scale: 1:5,000
 Date: December 04, 2023



Key Map
1:10,000

- SUBJECT BOUNDARY
- EX. PARCEL
- EX. BUILDING
- EX. CONTOUR ELEVATION (2.0m INTERVAL)
(Retrieved from County GIS)
- EX. WOODLAND TO REMAIN
- EX. WOODLAND TO BE REMOVED
- PR. LOT/BLOCK LINE
- PR. BUILDING ENVELOPE
- POTENTIAL BLDGN FOOTPRINT
- PR. RIGHT-OF-WAY CENTRELINE (MIN. CL TURNING RADIUS = R12.0m)

OWNER'S CERTIFICATE
I hereby authorize EcoVue Consulting Services Inc. to prepare and submit this plan to the Region of Durham

Date _____

SURVEYOR'S CERTIFICATE
This Draft Plan accurately shows the boundaries of all lands proposed to be subdivided.
Certified by: _____

Date _____

Ontario Land Surveyor

| CONCEPT ZONING STATISTICS | | |
|---|---------------|-------------------|
| R3 - ZONE REGULATIONS - SINGLE DETACHED DWELLINGS | REQUIRED | PROPOSED |
| MIN. LOT AREA | 460 sq.m | 466.35 sq.m |
| MIN. LOT FRONTAGE | 15m | 12.84m |
| MAX. LOT COVERAGE | 35% | <35% |
| MIN. FRONT YARD SETBACK | 6m | 6.0m |
| MIN. SIDE YARD SETBACK | 1.2m | 1.2m |
| MIN. EXT. SIDE YARD SETBACK | 4.5m | 4.5m |
| MIN. REAR YARD | 7.5m | 7.5m |
| MAX. HEIGHT | 11m | <11.0m |
| TOWNHOUSE | REQUIRED | PROPOSED |
| MIN. LOT FRONTAGE | 30m | 31.79m |
| MIN. LOT AREA | 220 sq.m/unit | 275.10 sq.m/unit |
| MAX. LOT COVERAGE | 35% | 36.4% |
| MIN. FRONT YARD SETBACK | 6m | 6.5m |
| MIN. INT. SIDE YARD SETBACK | 0m | 1.5m |
| MIN. EXT. SIDE YARD SETBACK | 4.5m | N/A |
| MIN. REAR YARD | 11.0m | 20.74m |
| MAX. HEIGHT | 6.0m | <11.0m |
| MULTIPLE UNIT | REQUIRED | PROPOSED |
| MIN. LOT FRONTAGE | 30.0m | 31.97m |
| MIN. LOT AREA | 930 sq.m/unit | 1333.21 sq.m/unit |
| MAX. LOT COVERAGE | 30% | 30.00% |
| MIN. FRONT YARD SETBACK | 7.5m | 15.69m |
| MIN. INT. SIDE YARD SETBACK | 6.0m | 1.0m |
| MIN. EXT. SIDE YARD SETBACK | 4.5m | N/A |
| MIN. REAR YARD | 7.5m | >11.0m |
| MAX. HEIGHT | 14m | <11.0m |

GENERAL NOTES:

- PROPERTY BOUNDARIES ARE APPROXIMATE
- CUL-DE-SAC TO MEET TOWN LAND DEVELOPMENT ENGINEERING POLICY REQUIREMENTS.
- 23 SINGLE DETACHED LOTS
4 TOWNHOUSE LOTS
1 MULTIPLE UNIT (4 UNITS)
TOTAL PROPOSED UNITS = 31

Submission Requirements

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51-17 (a-i) THE PLANNING ACT

- As shown on this Draft Plan
- As shown on this Draft Plan
- As shown on this Draft Plan
- Single Detached, Residential Townhouse, Multiple Residential Unit
- Residential
- As shown on this Draft Plan
- N/A
- As shown on this Draft Plan
- Refer to report from Tatham Engineering
- Refer to report from Cambium
- Refer to plan of survey by RS Surveying Limited
- Refer to report from Tatham Engineering
- As shown on this Draft Plan

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| | | | |
|-----------------------|-------------------|----------------------|-------------------|
| DRAWN BY: | MC/PP | PROJECT No.: | 21-2132 |
| APPROVED BY: | | HORIZ. SCALE: | 1:600 |
| REVISION DATE: | DECEMBER 14, 2023 | PLOT DATE: | DECEMBER 14, 2023 |

CHURCH STREET SUBDIVISION
KOENIG DEVELOPMENTS LTD.
245 CHURCH STREET,
TOWN OF PENETANGUISHENE, ON

DRAFT PLAN **DP1**

1.2 Description of Proposed Development

The applicant is proposing to develop a 31-unit plan of subdivision on the subject lands. The subdivision will consist of 23 single detached lots, four (4) townhouse lots, one (1) double duplex lot (containing a total four (4) units), two (2) blocks for stormwater management, and one (1) block for a new right of way to service the development. Two (2) of the single detached lots will front directly onto Church Street while the remainder of the units will be accessed via a new internal road (to be assumed and maintained by the Town) connecting at the end of Oxley Drive. The proposed internal road will terminate at the eastern end of the subject lands in a cul-de-sac.

The proposed development also contains an open space block to contain space for a future road allowance should there be any future development on the lands to the south. The proposed development can be seen in **Figure 2 – Draft Plan of Subdivision**.

1.3 Pre-Consultation

A pre-consultation meeting was attended by the authors of this report along with the applicant and staff from the Town on April 15, 2021, to review the proposed development. These applications reflect the conversations that were had during the pre-consultation.

In addition to the Planning Justification Report, the following materials are being submitted:

- Stage 1-2 Archaeological Assessment – A Stage 1-2 archaeological assessment was undertaken on the subject lands. Following the two studies, it was determined that the property is clear of any archaeological material and no further study is required.
- Environmental Impact Study – a natural heritage assessment was completed for the subject lands. While there are natural heritage features present on site, it has been determined through the appropriate mitigation measures, development can occur without negative impacts.
- Traffic Impact Study – The traffic study determined that no turn lanes are required to access the site and that the intersections of Church Street/O'Reilly Street and Oxley Drive/O'Reilly Street can continue to provide excellent levels of service. As such, no improvements are required from a traffic perspective.
- Functional Servicing and Stormwater Management Plan – Communication, hydro, and gas utilities are readily available to service the subject lands. Further, it was determined that the site can be adequately serviced via existing municipal sewer and water. Finally,

stormwater will be attenuated through subsurface infiltration trenches and a dry stormwater facility.

- Hydrogeological Assessment – A Hydrogeological assessment was completed in support of the proposed subdivision. It is anticipated that no dewatering will be required during construction. Further, the report outlines best management practices that should be followed to reduce any impacts on the local groundwater regime.
- Geotechnical Assessment – A geotechnical assessment was also undertaken in support of the development. The report outlines the subsurface conditions and provides recommendations for design and construction based on the soil structure present.
- Surveyors Real Property Report

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 2020 Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). At the municipal level, the County of Simcoe Official Plan (CSOP), the Town of Penetanguishene Official Plan (TPOP) and the Zoning By-law (TPZB) are applicable. In this section of the Report, the applications are reviewed in the context of the policies and provisions contained within these documents.

2.1 The Planning Act

Section 51(24) of the *Planning Act, R.S.O., C.P.13*, indicates that “*in considering a draft plan of subdivision, consideration should be had, among other matters, to the health, safety, convenience and accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality*” in which the subdivision is located. In addition to these matters, the following specific items should also be considered (excerpts Section 51(24) in *italics* (non-applicable sections have been omitted)):

- a) *The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2:*

Section 2 of the *Planning Act* provides a list of “*matters of provincial interest*” that an approval authority shall have regard to when carrying out responsibilities under the *Act*. The matters are discussed in the table below:

Table 1 – Matters of Provincial Interest

| Matters of Provincial Interest | Response |
|--|--|
| (a) the protection of ecological systems, including natural areas, features and functions; | An Environmental Impact Study (EIS) was undertaken to confirm the extent of natural features and provide adequate mitigation, if necessary. As noted in the EIS, a portion of the subject lands contains woodland feature. It should be noted that mitigation measures have been proposed and that the consultant determined that development on the site will not result in a negative impact to overall function of the feature. |
| (b) the protection of the agricultural resources of the Province; | The proposed severances will be located in a settlement area and are not in close proximity to agricultural uses. |
| (c) the conservation and management of natural resources and the mineral resource base; | The subject lands do not contain natural or mineral resources. |

| | |
|--|--|
| (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; | The subject property was identified to be in an area of archaeological potential. As such, an archaeological assessment was completed and determined there are no cultural or archaeological features on the site. |
| (e) the supply, efficient use and conservation of energy and water; | Future development on the severed lots will be subject to building code requirements with progressive efficiency requirements. |
| (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; | The subject lands have access to publicly maintained roads, municipal sewer and water servicing, and municipal waste management systems |
| (g) the minimization of waste; | N/A |
| (h) the orderly development of safe and healthy communities; | The proposed plan of subdivision represents orderly development within the community and will provide different housing options to add to the Town's housing stock. The subdivision is taking place within a settlement area on a property that has sufficient space to accommodate infill lots. It will conform to the neighbourhood character of the surrounding community. Furthermore, the lands do not contain any human-made or natural hazards and can safely accommodate the proposed development. |
| (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies; | Any new buildings associated with the severance require compliance with building code which includes accessibility requirements. |
| (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities; | The proposed development is located within the Built Boundary of Penetanguishene which consists of a variety of educational, health, social, cultural and recreational facilities as well as a public school, a public library, several eateries, a museum and a conservation park. |
| (j) the adequate provision of a full range of housing, including affordable housing; | The proposed development will provide additional building lots for residential dwellings within the community. |
| (k) the adequate provision of employment opportunities; | N/A |
| (l) the protection of the financial and economic well-being of the Province and its municipalities; | N/A |

| | |
|---|---|
| (m) the co-ordination of planning activities of public bodies; | N/A |
| (n) the resolution of planning conflicts involving public and private interests; | N/A |
| (o) the protection of public health and safety; | There are no natural or human-made hazards on the subject lands. Access to the subject lands is available via a municipally-maintained road. Furthermore, building code requirements regarding fire protection and any other health and safety matters will be met during construction. |
| (p) the appropriate location of growth and development; | The proposed lots are located within a settlement area. They will be serviced with municipal sewage and water. As such, the property is an appropriate location for growth and development. |
| (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; | Opportunities for pedestrian connections have been provided on the Concept Plan. |
| (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; | As noted, the proposed lots are in keeping with the overall character of the surrounding area |
| (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. | Future development will be subject to energy efficiency requirements under the Building Code which ensure minimal impacts to climate change emissions. |

Further matters of provincial interest are also addressed in Section 2.2 of this report, with respect to the applicable policies of the Provincial Policy Statement.

b) Whether the proposed subdivision is premature or in the public interest.

The proposed development is not considered to be premature as there is a province wide demand for housing. The plan of subdivision will not require the unplanned or premature extension of public services and will not create land uses that are inappropriate for the subject property or the surrounding area. Matters of public planning policy, which related directly to the public interest, are addressed further in this planning report.

- c) *Whether the plan conforms to the official plan and adjacent plans of subdivisions, if any.*

The proposed plan of subdivision conforms to applicable policies of both local official plans. Furthermore, it is keeping in character with the surrounding residential subdivision and provides for future connections for further development.

- d) *The suitability of land for the purposes for which it is to be subdivided;*

This report along with the submitted technical studies, address a number of issues related to land use suitability. As demonstrated throughout these reports, the subject lands are considered to be suitable for the proposal plan of subdivision.

- e) *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- f) *The dimensions and shapes of the proposed lots;*
- g) *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;*

All dimensions, locations and grades of the proposed lots are shown on the **Draft Concept Plan (Figure 2)**. The proposed development will not be impacted by land uses or existing development on adjacent lands.

- h) *Conservation of natural resources and flood control;*

The proposed plan of subdivision will not adversely impact any natural resources. As noted, there is a woodland feature on the site. The EIS speaks to mitigation measures and states that the proposed subdivision will not have an impact on the function of the feature.

- i) *The adequacy of utilities and municipal services*

It is anticipated that the development will be sustained by existing municipal service levels, including municipal garbage and recyclable collection. Hydro, telephone and school bus services will be available on the site.

- j) *The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.*

As the subject lands are located adjacent to Gendron Park, no public space has been provided on the property. It is anticipated the applicant will provide case-in-lieu of parkland.

2.2 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020 and provides policy direction on matters of provincial interest as they are related to land use planning. All planning applications that are made after that date are subject to the provisions of the PPS. 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.

2.2.1 BUILDING STRONG AND HEALTHY COMMUNITIES

Section 1.0 of the PPS contains policies designed to build strong and healthy communities in the Province of Ontario. According to Section 1.1.1 of the PPS, “[*h*]ealthy, liveable and safe communities are sustained by:

- a) *Promoting efficient development and land use patterns which sustain the financial well being of the Province and municipalities over the long term; and*
- b) *Accommodating an appropriate affordable and market-based range and mix of residential types (including single detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...*”

The proposed development is located within a settlement area on a vacant piece of land within a residential neighbourhood. The proposed subdivision, which includes the development of 31 new units, will aid the Town and province meeting their housing targets through an opportunity for infilling and intensification within the built boundary.

2.2.2 SETTLEMENT AREAS

Section 1.1.3 of the PPS speaks to development within Settlement Areas. Section 1.1.3.1 states that “[s]ettlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”. The proposed subdivision will result in 31 new residential units within the built boundary, creating additional housing resources. Therefore, the development is consistent with Section 1.1.3.1 of the PPS.

Section 1.1.3.2 states that “[l]and use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit supportive, where transit is planned, exists or may be developed; and (g) are freight supportive.”*

The proposed development will create 31 additional units for residential purposes. As such, the development will increase the housing stock and represent an efficient use of the lands and resources through intensification and infill of an underutilized lot. The property is located in the built boundary and supportive of active transportation methods.

Municipal water and sewer services exist on Church Street currently. However, an expansion to these services will be required to service the internal lots of the subdivision. The expanded services will connect to the existing systems on Oxley Drive. Therefore, the proposed development represents an efficient use of land and will not require an uneconomical expansion of infrastructure.

2.2.3 HOUSING

Section 1.4 of the PPS describes policies related to housing. According to Section 1.4.1, planning authorities (in this case, the County of Simcoe and Town of Penetanguishene) are required to

“maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment”. Furthermore, Section 1.4.3 states that planning authorities are required to provide an appropriate range and mix of housing types and densities by “permitting and facilitating forms of housing required to meet the social, health and well-being requirements of current and future residents”.

The approval of the proposed subdivision application will contribute to the Town reaching the above objectives required by the PPS. The proposed development represents intensification and infill as will be developed on lands within the built boundary.

2.2.4 SEWAGE, WATER AND STORMWATER POLICIES

Policies related to Sewage, Water and Stormwater are found in Section 1.6.6 of the PPS. Section 1.6.6.2 states that:

[m]unicipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

As previously noted, the servicing will require an extension to service the internal lots of the subdivision and will contain sufficient capacity to accommodate the new lots.

Furthermore, Section 1.6.6.7 of the PPS states

- a) *minimize, or, where possible, prevent increases in contaminant loads;*
- b) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- c) *mitigate risks to human health, safety, property and the environment;*
- d) *maximize the extent and function of vegetative and pervious surfaces; and*
- e) *promote stormwater management best practices, including stormwater attenuation and*
- f) *re-use, water conservation and efficiency, and low impact development.*

Similar to above, new storm sewers will be required to be installed for the new lots and as such, the system will be designed to accommodate the increased runoff from the development.

2.2.5 NATURAL HERITAGE

Section 2.1 of the PPS states that “[n]atural features and areas shall be protected for the long term” and that development and site alteration shall not be permitted in significant natural features and significant habitat of endangered and threatened species. Section 2.1.6 of the PPS states that development or site alteration is not permitted within or adjacent to significant woodlands, significant wetlands and fish habitat, unless it can be demonstrated that there will be no negative impacts. Furthermore, development within fish habitat or habitat of endangered or threatened species shall not be permitted except in accordance with provincial and federal requirements.

According to the Town of Penetanguishene Official Plan, there is a mapped significant woodland on the subject property. Furthermore, provincial and local mapping shows an unevaluated wetland approximately 70 metres south of the subject lands.

As discussed, an Environmental Impact Study (EIS) was undertaken by Riverstone Environment in support of the applications. The EIS identified that approximately 1.57 hectares of the site contains vegetation communities that are characterized as woodland. Although these communities are spread across the site, a large portion of them are located at the eastern end of the subject lands. As discussed in the EIS, notwithstanding their identification as significant in the Town’s Official Plan, the woodland features on the site lack interior woodland habitat and do not support linkages to other significant features. It is further noted that the identification of a significant woodland on the site is likely tied to the location of the property within a significant groundwater recharge area. Therefore, residential development within this feature – including removal of woodland cover – would not negatively impact the woodland.

Nevertheless, the EIS recommends that a tree protection zone be established within the rear yards of lots 13-29 and that tree clearing occur during the designated clearing periods (windows) described in the report.

It is further noted in the EIS that the proposed development would have no negative impacts on the wetland to the south based on the distance (70 metres) and existing disturbance between the subject lands and the wetland.

Therefore, based on the foregoing, it is our opinion that the proposed development is consistent with Section 2.1 of the PPS.

2.2.6 CULTURAL HERITAGE AND ARCHAEOLOGY

Section 2.6.2 of the PPS states that “[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” A Stage 1 and 2 archaeological assessment was conducted by Earthworks Archaeological Services Inc. It was determined that no archaeological material was found on site and no further assessment is required. As such, the proposal is consistent with Section 2.6 of the PPS.

2.2.7 NATURAL HAZARDS AND HUMAN MADE HAZARDS

Section 3.1 and 3.2 of the PPS address developments that occur within natural and human-made hazards. The subject property does not contain any natural hazards such as steep slopes or floodplains. Furthermore, based on previous uses on the property, the lands do not contain any human made hazards. Therefore, the proposal is consistent with Sections 3.1 and 3.2 of the PPS.

2.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan prevails where this a conflict with the PPS. The subject lands are located within the Greater Golden Horseshoe. Therefore, any planning application on the subject lands must conform to the policies.

2.3.1 POLICIES FOR WHERE AND HOW TO GROW – MANAGING GROWTH

As mentioned, the subject lands are located within a settlement area. Section 2.2.1.2 a) of the Growth Plan states that “*the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities*”. The subject property is located within the delineated built boundary of the Town of Penetanguishene, which is a full serviced settlement area. The subject property is located a short distance from a number of services for residents, including employment and retail opportunities, education facilities and community centres.

2.3.2 HOUSING

Section 2.2.6 of the Growth Plan provides policies that support a diverse range and mix of housing options. This includes increased densities and affordable options. The proposed development will provide a number of units within the settlement area boundary and will contribute to a more diverse mix of housing options.

2.3.3 NATURAL HERITAGE SYSTEM

Section 4.2.2 of the Growth Plan sets out policies for protecting natural heritage features and biodiversity throughout the Growth Plan area. *“The natural heritage system for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017.”* Since the subject property is located within the Hastings settlement boundary, the policies relating to Natural Heritage System do not apply.

Therefore, it is our opinion that the proposed development conforms to the policies of the Growth Plan.

2.4 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 Simcoe Official Plan and the Town of Penetanguishene Official Plan and Zoning By-law are reviewed in the sections below.

2.4.1 COUNTY OF SIMCOE OFFICIAL PLAN

The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan (CSOP). As stated in Section 3.5.8 of the CSOP, *“settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted.”* It is further stated in this section that *“residential, commercial, industrial, institutional, and recreational land uses shall be developed within settlement area boundaries...”*. The proposed subdivision represents residential development within the settlement area, which is consistent with the type of development that is permitted within Settlements.

Section 3.3.1 speaks to lot creation; applicable policies are discussed below.

3.3.1 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.

The local municipal plan policies are discussed below as it pertains to residential development.

3.3.2 Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.

The proposed development maintains the intent of the County of Simcoe Official Plan and the Town of Penetanguishene Official Plan (as discussed below).

3.3.4 Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. Exceptions may occur in plans of condominium where the condominium development has access to a public highway. Subject to local municipal bylaws and official plans lots may be created on existing private roads or water only access

All new lots will have access on a publicly maintained road.

Section 4.1 of the CSOP outlines policies related to housing development and healthy communities. Specifically, Section 4.1.6 states that *“local municipalities will provide for an appropriate range of housing types and densities required to meet projected needs of current and future residents.”* Further, Section 4.1.7 states that *“local municipalities shall make available: sufficient quantity of housing, taking into account demand to improve choice; and, housing development in suitable locations, which offers a good range of public service facilities and proximity to jobs, key services, and infrastructure, recognizing the needs and abilities of all residents.”*

As discussed throughout this report, the subject property is located within the settlement boundary of the Town, which allows for easy access to public service facilities, and job

opportunities. Further, the proposed development will offer a range of housing types to cater to the needs of the residents of the Town.

2.4.2 TOWN OF PENETANGUISHENE OFFICIAL PLAN

The Town of Penetanguishene Official Plan (TPOP) provides detailed policies that govern development within the Township. In particular, the TPOP “*establishes the basic urban structure and land use structure for all land within the Town*”. (Purpose, Section 1.2) The Plan also includes a number of schedules (maps) that identify land use designations. Each land use designation has a corresponding set of policies that must be consulted when determining the type of uses and development that may occur within that particular designation.

According to Schedule A to the Town of Penetanguishene Official Plan (TPOP), the subject property is designated Neighbourhood Area (**Figure 3**). Section 4.2 speaks to the Neighbourhood Area designation. Specifically, 4.2.1 states that the designation permits low and medium density residential uses, as well as secondary dwelling units. Section 4.2.2 outlines criteria for medium density residential development. These policies have been assessed in terms of the townhouse lots and the double duplex lot. The criteria is as follows:

- a) *The density, height and character of the development shall be compatible with adjacent uses but shall not exceed three storeys;*
- b) *The height and massing of the buildings at the edge of medium density residential development shall have regard to the height and massing of the buildings in any adjacent low/medium density residential development and may be subject to additional setbacks, height restrictions, or landscaping to provide appropriate transition;*

The proposed subdivision is in keeping with the surrounding residential character of the neighbourhood. IT is cognizant of the surrounding uses and does not exceed the height requirement.

- c) *The development shall have direct access to a road maintain year-round by the Town;*

The proposed development will gain access via Church Street for Lot 1 and 2 and the remainder of the lots will get access from a new internal road connected to Oxley Drive.

- d) The watermains, sanitary sewers, and stormwater facilities shall be capable of accommodating the development, or the proponent shall commit to upgrading services at no cost to the Town;*

A Functional Servicing Report and Stormwater Management has been prepared to address the needs of the site. The development will connect to existing municipal services and have two (2) blocks for stormwater management.

- e) The development is adequately serviced by parks and facilities;*

The property is adjacent to Gendron Park. In addition, a number of schools and other community facilities are in close proximity to the subject site.

- f) The development shall be designed and landscaped, and buffering shall be provided to ensure the visual impact of the development on adjacent uses is integrated;*

A portion of the existing woodland feature will remain along the North, East and Southern lot to provide buffering between adjacent lots.

- g) all required parking shall be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 5.2.8 of this Plan, shall not be accepted by the Town;*

All parking will be provided on site.

- h) in developments incorporating small-scale apartments, block townhouse dwellings and similar medium profile residential buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;*

There is green space provided in the rear yard of the lots accommodating the townhouse units. In addition, the property is adjacent to Gendron park which can be used for green space.

- i) except for a triplex dwelling, fourplex dwelling or other similar medium density developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the Town; and*

A Traffic Impact Study has been prepared in support of the development and attached to this submission.

- j) *medium density residential uses may be subject to Site Plan Control, in accordance with the policies of Section 4.2.2.1 of this Plan.*

It is understood that residential uses on a property involving 10 units or more are subject to Site Plan Control under Section 41 of the *Planning Act*. In this case, none of the unit types on any of the proposed properties will exceed 4 units. Therefore, it is not expected that Site Plan Control will be applied to any part of the proposed development.

2.4.2.1 HOUSING

Section 3.8 of the General Policies Section of the official plan speaks to housing. Section 3.8.1.4 states that the Town will “*encourage development of a full range of unit types and sizes to respond to changes in household composition over time.*” It is further stated in 3.8.1.5 that the Town will support a diverse housing stock by: “*a) a greater share of townhouse and townhouse units; and c) a mix of housing types including laneway housing, secondary dwelling units, garden suites and others types deemed appropriate.*” This proposed development is offering three (3) unit types and also contains the ability for secondary dwelling units to be established. Therefore, the proposed subdivision will help the Town not only increase their housing stock but diversify the type of units offered.

Section 6.3.5 speaks to the division of land within the Town of Penetanguishene. Section 6.3.5.1 outlines a set of criteria for plans of subdivisions. Applicable criteria are discussed below.

- 1) *The provisions of the Planning Act relating to subdivision control including subdivision agreements and part-lot control, shall be used to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development;*

An assessment of the *Planning Act* is included in this report.

- 2) *Any application for a Plan of Subdivision shall be evaluated to ensure consistency with the Provincial Policy Statement;*

An assessment of the Provincial Policy Statement as it relates to the proposed development is outlined in Section 2.2 of this Report.

- 3) *Prior to approval of an application for plan of subdivision or plan of condominium, the confirmation of the availability of adequate servicing infrastructure and allocation in accordance with Section 5.3, waste management, and roads and pedestrian pathways*

in accordance with Sections 5.1 and 5.2.9, and community facility capacity, including schools;

A Functional Servicing Report has been included with this submission that outlines the servicing requirements for the proposed development. In addition, a new internal road is proposed with pedestrian pathways to connect to existing infrastructure.

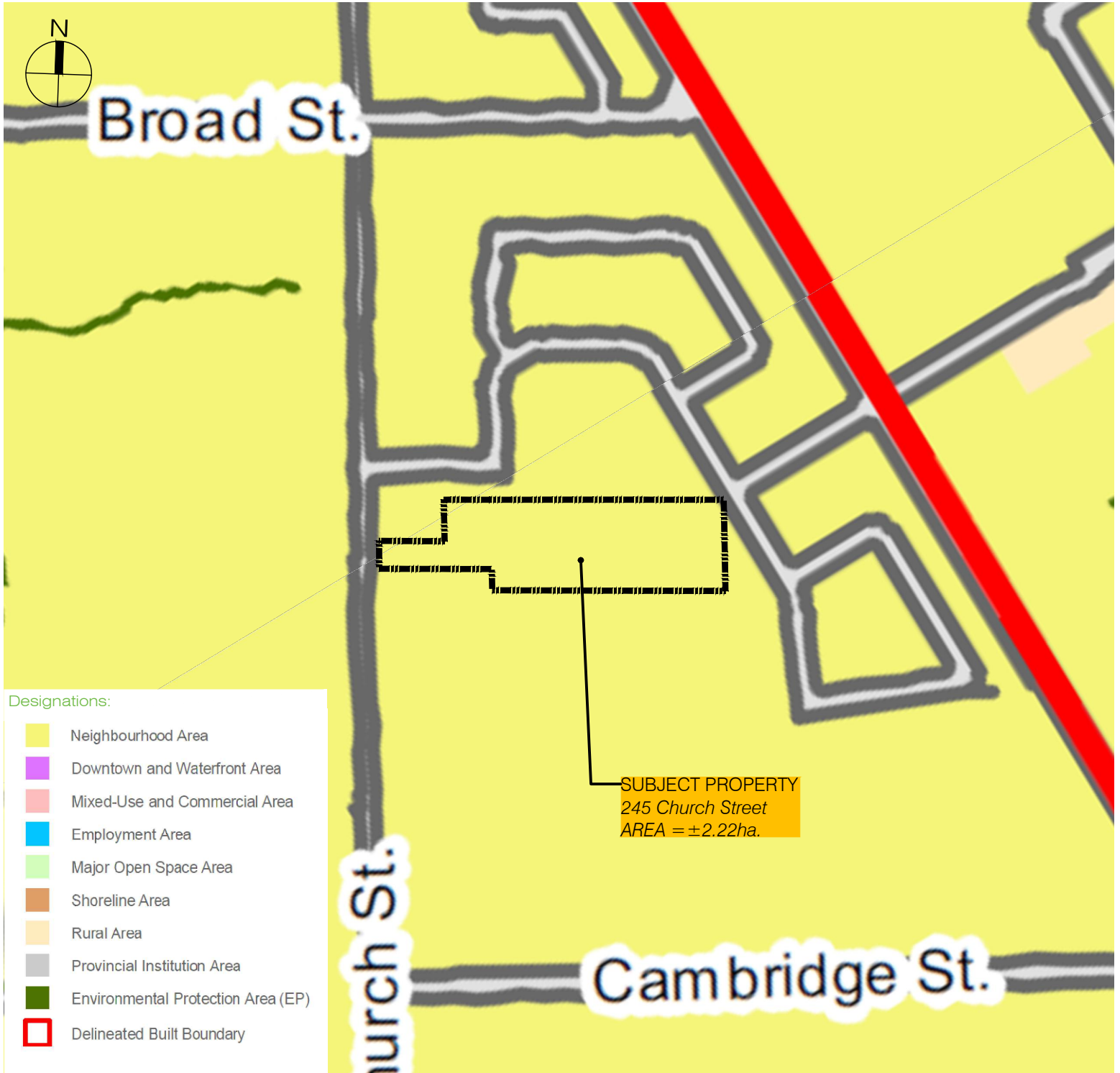
- 5) *The review of plans of subdivision or plans of condominium shall be based in part on the consideration of the Plan's Land Use and Built Form policies included in each of the Plan's Land Use designations;*

An assessment of the Town's Official Plan as it relates to the built form is outlined above.

- 6) *All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable Town standard. Plans of condominium shall have access to a public road maintained on a year round basis; however, it is recognized that development within the condominium plan may occur on private roads;*

All lots in the proposed subdivision will have direct frontage on a publicly maintained road.

Figure 3 - Town of Penetanguishene Official Plan Schedule A: Land Use Structure



Church Street Subdivision
Koenig Developments Ltd.
245 Church Street
Geog. Twp. of Simcoe
Town/City of Penetanguishene

Project Number: 21-2132
Horiz. Scale: 1:5,000
Date: December 04, 2023

7) *Natural Heritage Features and Areas and functions shall be protected and preserved in the design of any plan of subdivision or condominium;*

An Environmental Impact Study was prepared in support of the development. As per the results of the study, a portion of the existing woodland feature will be maintained on site. It was also determined that there are no impacts to the function of the feature through the proposed development.

9) *All plans of subdivision shall be subject to a subdivision agreement between the Town and the development proponent;*

It is understood that a subdivision agreement will be required.

11) *Parkland dedication shall be provided pursuant to Section 6.3.11.2 of this Plan. Land to be dedicated for park purposes must be acceptable to the Town. Under no circumstances shall the Town be obligated to accept parklands being offered in a proposed plan of subdivision;*

It is also understood that the payment of cash-in-lieu of parkland will likely be a condition of draft plan approval.

As such, it is our opinion that the proposed development is consistent with the Town of Penetanguishene Official Plan.

2.4.3 TOWN OF PENETANGUISHENE ZONING BY-LAW

The subject property is zoned the Deferred Development (D) Zone according to Schedule A to the Town of Penetanguishene (TPZB) (**Figure 4**). In order to permit the proposed development, a Zoning By-law Amendment will be required. It is anticipated that a site specific Residential Three (R3) will be applied to the subject lands.

Table 2 outlines the setback requirements for the R2 Zone in comparison to the proposed subdivision lots (non-complying dimensions are shown in ***bold and italics***).

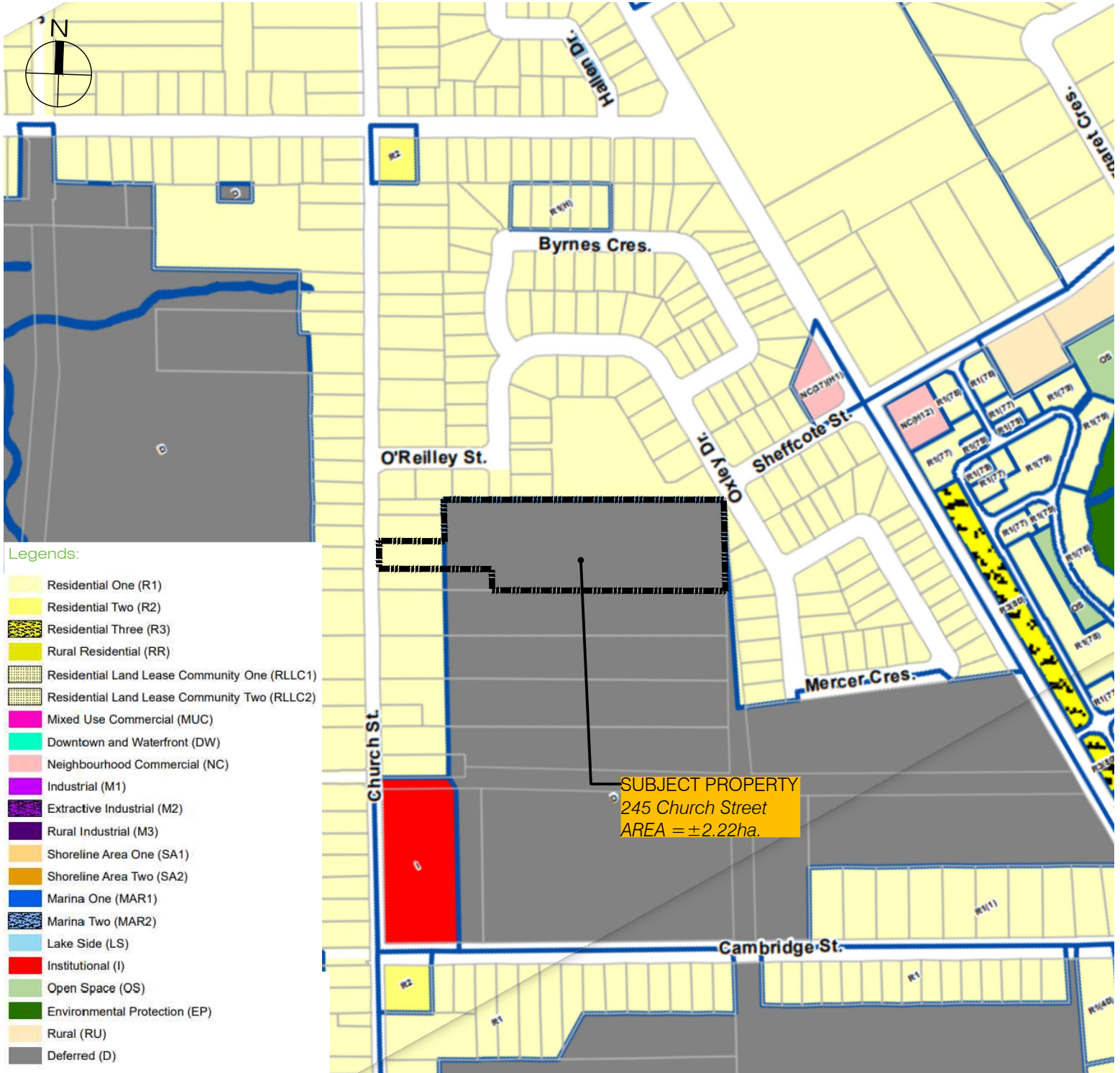
Table 2 – Zone Requirements

| Lot Regulation (R2 Zone) | Required | Proposed |
|---------------------------------|----------|-----------------------|
| Single Detached Dwelling | | |
| Minimum Lot Frontage | 15.0 m | <i>12.84 m</i> |

| | | |
|----------------------------|------------|---------------|
| Minimum Lot Area | 460 sq.m | 466.35 sq.m |
| Maximum Lot Coverage | 35% | <35% |
| Minimum Front Yard | 6.0 m | 6.0 m |
| Minimum Exterior Side Yard | 4.5 m | 4.5 m |
| Minimum Interior Side Yard | 1.2 m | 1.2 m |
| Minimum Rear Yard | 7.5 m | 7.5 m |
| Maximum Height | 11.0 m | <11.0 m |
| Townhouse | | |
| Minimum Lot Frontage | 7.5 m | 6.5 m |
| Minimum Lot Area | 220.0 sq.m | 275.10 sq.m |
| Minimum Front Yard | 6.0 m/unit | 6.5 m |
| Minimum Interior Side Yard | 0 m | 1.5 m |
| Minimum Exterior Side Yard | 4.5 m | N/A |
| Minimum Rear Yard | 11.0 m | 20.74 m |
| Maximum Height | 6.0 m | <11.0 m |
| Maximum Lot Coverage | 35% | 35% |
| Multiple Unit | | |
| Minimum Lot Frontage | 30.0 m | 31.97 m |
| Minimum Lot Area | 930 sq.m | 1333.21 sq. m |
| Minimum Front Yard | 7.5 m | 15.69 m |
| Minimum Interior Side Yard | 6.0 m | 1.0 m |
| Minimum Exterior Side Yard | 4.5 m | N/A |
| Minimum Rear Yard | 7.5 m | >11.0 m |
| Maximum Height | 14.0 m | < 11.0 m |
| Maximum Lot Coverage | 30% | 30% |

As demonstrated above, the majority of the R3 zone provisions are being met by the proposed subdivision with couple exceptions. As it is proposed that the property will be zoned in a

Figure 4 - Town of Penetanguishene Zoning Bylaw Schedule A: Zones



Church Street Subdivision
Koenig Developments Ltd.
245 Church Street
Geog. Twp. of Simcoe
Town/City of Penetanguishene

Project Number: 21-2132
Horiz. Scale: 1:5,000
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special R3 zone, it is anticipated that these deficiencies will be captured in the site-specific zone.

The intent of the required minimum lot frontage provision is to ensure adequate access from the adjacent road and that there is sufficient lot area for buildings and structures. For the single detached lots, they require a 15-metre frontage, all internal lots will meet this requirement. However, the two lots on Church Street will have 12.84 metres of frontage. These two lots are located between two existing residential lots on Church Street. Sufficient space has been provided to these proposed lots and in addition, will be similar lot frontage of other lots along Church Street.

Further to this, the proposed townhome lot frontage requirement is 7.5 metres. As proposed, the two internal townhome lots (Lots 4 and 5) are proposed to have 6.5 metres of frontage. It is our opinion that sufficient space is provided to access the lots.

As such, it is our opinion that recognizing the decreased lot frontages within the site-specific zone is appropriate.

3.0 Summary



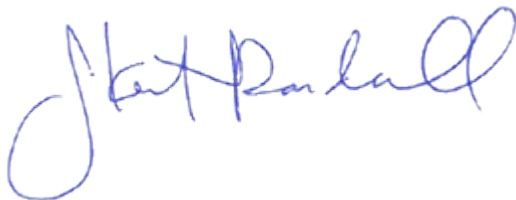
This planning report describes the proposed Plan of Subdivision and Zoning By-law Amendment applications for severances and provides analysis for these applications in the context of the Provincial Policy Statement, the County of Simcoe Official Plan, the Town of Penetanguishene Official and Zoning By-law.

It is the opinion of the author that:

- The proposed severances are consistent with the applicable provisions of the 2020 Provincial Policy Statement.
- The proposal conforms to the purpose and intent of the Simcoe County Official Plan and Town of Penetanguishene Official Plan.
- An amendment to the Municipality's Zoning By-law will be required to permit the proposed subdivision.
- The proposed subdivision represents good planning and is in the public interest.
- The applications should be approved.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



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Principal Planner



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