

Planning Rationale and Demonstration Report

Flatt Point Subdivision

Part of Lot A, Concession South of Prince Edward Bay, Geographic Township of South
Marysburgh, County of Prince Edward



Prepared for Michael Kerford
by IBI Group

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1 Introduction

This Planning Rationale and Demonstration Report is provided in support of applications for Draft Plan of Subdivision and Condominium and Official Plan and Zoning By-law Amendment to enable a 16 lot residential subdivision. The applications are filed on behalf of Michael Kerford to permit the development of vacant lands known as Flatt Point and legally described as Part of Lot A, Concession South of Prince Edward Bay, Geographic Township of South Marysburgh, all within the County of Prince Edward (Assessment Roll #135080401007501). The proposed development consists of a residential subdivision with 16 lots that are 0.81 to 1.12 hectares in size, an open space block providing parkland and access to the waterfront, and a condominium road.

The subject lands are designated 'Shore Land', 'Rural' and 'Environmental Protection' in the Prince Edward County Official Plan (2011 consolidation). The subject lands are zoned 'LSR-7-H', 'EP' and 'RR2-2-H' in the County of Prince Edward Comprehensive Zoning By-law No. 1816-2006. It is understood that the current site-specific zoning is a result of the previous development proposal for the subject lands which included a plan of subdivision proposed and partially approved in approximately 1978.

The purpose of this report is to evaluate the appropriateness of the proposed development and the requested amendments based on the applicable policy and regulatory environment.

2 Pre-consultation and Required Studies

A Pre-Consultation Meeting was held with County Staff on October 3, 2019 to determine the reports and plans required for a "complete application". The items identified below were identified as required by County Staff for the subject application:

- Environmental Impact Statement
- Archaeological Report
- Traffic Impact Study
- Hydrogeological Study
- Phase 1 ESA (RSC Standard)
- Stormwater Management Report/Plans
- Servicing Report/Plans
- Planning Rationale and Demonstration Report
- Draft Plan of Subdivision
- Draft Plan of Condominium

The above noted studies have been completed and are being submitted together with the appropriate application forms and fees.

2.1 Applications

To permit the development as proposed the following applications are required:

2.1.1 Draft Plan of Subdivision

An application for Draft Plan of Subdivision (DPS) is required for the proposed development. The owner is proposing to create 16 lots, a private (condominium) road and open space park block by plan of subdivision.

2.1.2 Draft Plan of Condominium

An application for Draft Plan of Condominium (DPC) is required in order to create common property elements for the proposed development. The common elements include the road and the open space block.

2.1.3 Official Plan Amendment

An application for Official Plan Amendment is required to permit access to the proposed development by a private (condominium) road rather than by a public road (per Part IV, Section 4.3.3 and Part V, Section 1.2.6).

2.1.4 Zoning By-law Amendment

An application for Zoning By-law Amendment is required in order to modify the existing site-specific zoning and implement site specific performance standards for the subdivision.

2.2 Previous and Other Applications

The property is understood to have been the subject of previous subdivision and zoning by-law amendment applications which received some form of approval in approximately 1978. It is understood that the previous subdivision did not ultimately receive final approval and/or the subdivision lapsed or was deemed. The zoning approved for the previous subdivision was enacted and is in place currently.

There are two active applications for lands outside of the proposed subdivision on those lands identified as "Other lands owned by owner" on the DPS. These applications consist of a Consent to sever an approximately 1.18 hectare parcel at the southern end of the property and an application to remove the Holding 'H' symbol on those lands. The Consent application was filed in May 2020 and the application to remove the H was filed in December 2020. The goal of these applications is to enable this parcel to be developed with a single-detached dwelling with direct access to County Road 13. This proposed single residential lot is well-removed from the portion of the property to which the subdivision proposal applies, and due to that separation and access to a municipal road, is intended to be developed separately and in advance of any development of the subdivision lands, pending necessary approvals.

2.3 Future Applications

2.3.1 Consent

There are two potential access roads to the subdivision, one via the existing unopened road allowance that connects directly to County Road 13 at the south end of the property. The point of connection with County Road 13 is indicated as "Access B" on the Concept Plan shown in Figure 3. This route is a logical option in that it is via an unopened road allowance which, by its very nature, is often used for roads. The use of an unopened road allowance for a private road would not typically require a Consent application to create an easement, but rather a conditional agreement with the municipality outlining how it may be used and requirements for its construction and maintenance.

The second option for an access road is via an adjustment to an existing private road over the adjacent property to the southwest (3217 County Road 13) which would also connect to County Road 13. The connection point to the County Road is indicated as "Access A" in Figure 3. This access option would require an application for consent to adjust the path of the existing right-of-way and to give right of access over that right-of-way to the subdivision lands. The Consent

application would need to be filed by or on behalf of the owner of 3217 County Road 13. This option would also require permission from the municipality to traverse the width of the unopened road allowance to make the connection from the lands at 3217 Country Road 13 to the subdivision lands.

2.3.2 Final Plan of Subdivision

Once Draft Plan of Subdivision approval is in place, the owner will need to meet the required conditions of that approval and then file the application for Final Plan of Subdivision to allow registration of the subdivision.

2.3.3 Final Plan of Condominium

An application for Final Plan of Condominium will be filed concurrently with Final Plan of Subdivision, which will formalize the creation of “parcels of tied land”, being the legal linking of the subdivision lots to the common elements of the condominium. Each lot will be owned by the purchaser and each lot will have an interest in the common elements. The common elements for the proposed development include the private road and open space block, both of which will be the responsibility of the condominium corporation.

3 Site Overview and Context

3.1 Location and Site Conditions

The whole of the lands owned by applicant is approximately 22.1 hectares, but the lands proposed to be developed as part of the subdivision are approximately 14 hectares. This includes the residential lots, condominium road and open space block, with the remaining 8.1 hectares labelled on the Draft Plan of Subdivision as “other lands owned by the owner”. The lands are legally described as Part of Lot A, Concession South of Prince Edward Bay, Geographic Township of South Marysburgh, all within the County of Prince Edward (Roll #135080401007501). The lands are located on the north side of County Road 13 with frontage along the shoreline of Halfmoon Bay. The subject lands do not have any frontage on a maintained public road but have approximately 1,276 metres of frontage along an unopened road allowance connected to County Road 13 at the south end of the property.

The subject lands are undeveloped, characterized primarily by naturalized areas, including a small wetland, significant water frontage on Lake Ontario with a mix of sandy and rocky beaches, and relatively gentle slopes and topography. The 14 hectare portion of the property proposed to be developed with a 16-lot subdivision occupies the northern half of the property, with the middle portion occupied by the wetland and the southern portion being the 1.8 hectare parcel subject to a separate Consent application. The wetland and southern portion are identified as “other lands owned by the owner” and are not proposed to be included as part of the subdivision. The owner intends to ensure that the wetland and associated length of shoreline is conserved in perpetuity through its dedication to a nature conservancy non-profit organization, the conservation authority, or similar.



Figure 1 Subject Lands outlined in red (Source: The County Public GIS Viewer)



Figure 2 Surrounding land uses with subject lands outlined in red (Source: Google Maps)

3.2 Surrounding Land Uses

The subject lands are located in the rural area of Prince Edward County along the shoreline and are adjacent to a Coastal Wetland (non-Provincially significant). The subject lands are adjacent to Halfmoon Bay Winery, which is located on the southwest side of the road allowance. There is existing shoreline residential development located to the southeast, including the lots accessed via the right-of-way over the subject lands from County Road 13. To the south and southwest is primarily rural land used for estate residential development, outdoor recreation, agricultural purposes or undisturbed naturalized areas.

- **North:** Prince Edward Bay, Lake Ontario
- **East:** Coastal wetland (non-Provincially Significant)
- **South:** Rural residential
- **West:** Halfmoon Bay Winery, waterfront residential

4 Proposed Development

4.1.1 Subdivision Lots, Blocks and Uses

The applicant is proposing to develop a residential subdivision with 16 lots on Flatt Point, as per the Draft Plan of Subdivision included with this submission and as shown in Figure 3. The majority of the lots have water frontage on Halfmoon Bay. The proposed lots range in size from 0.81 hectares to 1.12 hectares and are proposed to be developed with single detached dwellings. The 16 Lots will be accessed by a central private road which ends in a cul-de-sac. The private road will be a common element of the proposed plan of condominium. The proposal also includes a 0.26 hectare open space block between Lot 10 and Lot 11 which connects to the proposed private road and will provide residents with access to the waterfront.

The coastal wetland (provincially non-significant) directly south of the residential subdivision is not included in the Draft Plan. It is the owner's intention to donate the lands associated with the wetland to a nature conservancy non-profit organization or similar to ensure its long-term preservation.

4.1.2 Servicing

The subdivision will be serviced by individual well and septic systems for each lot. More details on the servicing design is provided in the supporting reports accompanying this submission, with further details provided as required to satisfy conditions of draft plan approval.

4.1.3 Parkland

The Draft Plan of Subdivision has an area of 14.1 hectares. The Planning Act provides the municipality the opportunity to require 5% of the land area to be dedicated for public park purposes. Based upon the land area, the required park dedication is 0.71 hectares. The proposed development includes a 0.26 hectare waterfront open space block that could be included as part of a public parkland dedication requirement, but it is expected that the requirement for parkland and/or cash-in-lieu of parkland will be identified through the technical review process.

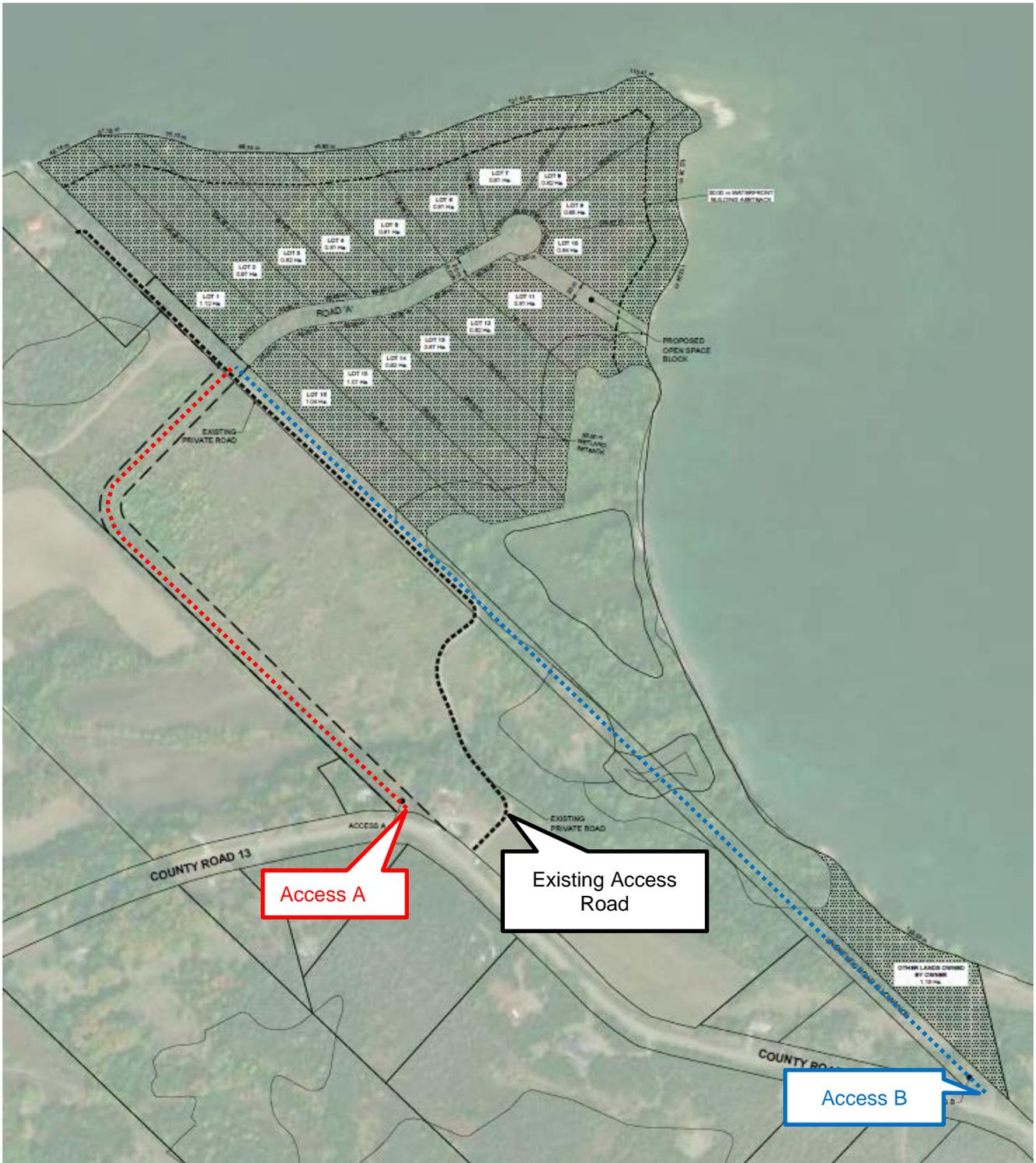


Figure 3 Proposed Conceptual Subdivision Plan (source: IBI Group)

4.1.4 Access

As described earlier in this report, there are two potential access roads to the subdivision, one via the existing unopened road allowance that connects directly to County Road 13 at the south end of the property. The point of connection with County Road 13 is indicated as “Access B” on the Concept Plan shown in Figure 3. This route is a logical option in that it is via an unopened road allowance which, by its very nature, is often used for roads. The use of an unopened road allowance for a private road would typically require a conditional agreement with the municipality outlining how it may be used and requirements for its construction and maintenance.

The second option for an access road is via an adjustment to an existing private road over the adjacent property to the southwest (3217 County Road 13) which would also connect to County Road 13. The connection point to the County Road is indicated as “Access A” in Figure 3. This access option would require an application for consent to adjust the path of the existing right-of-way and to give right of access over that right-of-way to the subdivision lands. This option would also require permission from the municipality to traverse the width of the unopened road allowance to make the connection from the lands at 3217 Country Road 13 to the subdivision lands.

Both options are being assessed concurrently as part of the proposed applications. Access A and Access B would both connect to County Road 13.

5 Supporting Reports

A number of technical reports have been prepared in support of the subject applications. Below is a brief description of those reports.

5.1 Traffic Impact Study

IBI Group prepared a Traffic Impact Study dated May 11, 2021. The study reviewed the feasibility of establishing a new private road access road on County Road 13 for the proposed subdivision lands within the vicinity of the Halfmoon Bay Winery or using the existing private road entrance at the intersection of the unopened road allowance with County Road 13. The TIS concludes that a new access driveway can be safely accommodate at either location A (driveway north of Halfmoon Bay Winery) or B (unopened road allowance) in support of the proposed subdivision. The overall conclusion of the TIS is that traffic generated by the Halfmoon Bay Subdivision development can be safely accommodated on the adjacent road network. For the specific details, the original report should be consulted and considered.

5.2 Environmental Impact Study

Ecological Services prepared a Preliminary Environmental Impact Study, dated June 2, 2021. This preliminary EIS is based on initial field work, with additional field work scheduled for Summer 2021. The EIS finds that the principle of development can be supported and makes a number of preliminary recommendations based on the field work and findings to date. For the specific details, the original report should be consulted and considered.

5.3 Archaeological Report

Abacus Archaeological Services prepared a preliminary Stage 1 Archaeological Assessment in Spring 2021. Due to the location of the property on the water and history of contact and pre-contact settlements and activity in the area, a combined complete Stage 1/2 Archaeological Assessment

has been recommended, with field work pending lifting of certain restrictions associated with the COVID pandemic. It is anticipated that this Stage 1/2 report will be submitted by July 2021.

5.4 Phase 1 ESA

Cambium prepared a Phase One Environmental Site Assessment (ESA) dated March 2, 2021. The Phase One ESA identified two potentially contaminating activities (PCAs), one on-site and one off-site, within the study area. The on-site and off-site PCAs contributed to areas of potential environmental concern at the site. The related contaminants of potential environmental concern were organochloride pesticides and metals. Potentially contaminated media was soil and groundwater. Based on the observations and information obtained for the site during the Phase One ESA, a Phase Two ESA is recommended. However, we note that a Record of Site Condition is not required. For the specific details, the original report should be consulted and considered.

5.5 Stormwater Management Report

Groundwork Engineering prepared a Stormwater Management Report dated April 16, 2021. The Report concludes that the Plan of Subdivision can accommodate a stormwater management plan which provides the necessary quantity and quality controls. The plan will require the construction of a stormwater dry swale with rock flow check dams to provide runoff quantity control. The plan will incorporate an oil grit separator to provide enhanced quality control measures. For the specific details, the original report should be consulted and considered.

5.6 Terrain Analysis Report

Groundwork Engineering prepared a Terrain Analysis Report dated April 16, 2021. The Report concludes that the proposed lot sizes have sufficient area to support a primary and secondary location for a 4-bedroom house, with possible locations for each identified (noting that these are not definitive). The development can support a 16-lot plan of subdivision with no risk to water quality. For the specific details, the original report should be consulted and considered.

5.7 Hydrogeological Study

Malroz Engineering Inc. completed a Hydrogeological Assessment, dated June 2, 2021, which assessed the drinking water sources for the proposed development. The study found that the groundwater appears to be adequate with respect to both quantity and quality. It is anticipated that standard in-home treatment will be required to address water quality. Additional testing is recommended for seasonality purposes to confirm the initial findings with respect to the overall drinking water supply.

6 Policy Analysis

The proposed development is considered in light of the following legislation and planning documents: The *Planning Act*, the Provincial Policy Statement, the County of Prince Edward Official Plan, the Picton Urban Centre Secondary Plan, and the County of Prince Edward Comprehensive Zoning By-law 1816-2006, as amended.

6.1 Planning Act, R.S.O. 1990, c.P.13

Section 51 (24) of the *Planning Act* requires planning authorities to have regard for, among other matters, the health, safety, convenience, accessibility for persons with disabilities and welfare of

the present and future inhabitants of the municipality when evaluating a draft plan of subdivision. The following criteria are to be applied when assessing such an application:

CRITERIA	RESPONSE
a) The effect of development of the proposed subdivision on matters of provincial interest.	The proposed development has regard for matters of provincial interests, including those items identified in the 2020 Provincial Policy Statement issued under the Planning Act.
b) Whether the proposed subdivision is premature or in the public interest.	The proposed development is located within an area designation/zoned for residential uses. The proposed subdivision is not premature and is in the public interest as it contributes to the opportunities for housing in the municipality in a manner that fits with the character of its rural lands.
c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision	The proposed development conforms to the Official Plan. Further, there are no other proposed subdivisions in the vicinity of the development.
d) the suitability of the land for the purposes of which it is to be subdivided	The subject lands are suitable to be subdivided as they have been assessed through multiple technical studies that are supportive of the principle of development, including confirmation that there they can be appropriately serviced.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	n/a
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.	No new public highways are proposed as part of the subdivision, but a Traffic Impact Study has been prepared assessing the proposed access point(s) to the public road and concluded that the proposed development will not have a negative impact on the existing road network.
f) the dimensions and shapes of the proposed lots	The proposed lots are appropriate for the form of development that is being proposed for the subject lands.
g) the restrictions or proposed restrictions, if any on the land proposed to be subdivided or the building and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	The proposed development will be the subject of a Subdivision Agreement and Condominium Agreement which will outline any restrictions that may be imposed on the lands.
h) The conservation of natural resources and flood control	The proposed development will be located outside of the natural hazard area and key natural heritage features.

CRITERIA	RESPONSE
i) The adequacy of utilities and municipal services	The proposed development can be appropriately serviced through private services and it is anticipated that other utilities and municipal services, as applicable, can be provided.
j) The adequacy of school sites	There are a number of schools in the municipality that could be attended by residents, including Athol-South Marysburgh Public School in Cherry Valley and Prince Edward Collegiate Institute in Picton.
k) The area of land, if any within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated to public purposes.	A waterfront open space block may be conveyed to the municipality as public parkland, if desired.
l) The extent to which the plan's design optimizes the available supply, means of supply, efficient use and conservation of energy	The proposed development will connect to the existing hydro network but the lots are of a size that the use of solar or other alternative forms of energy (e.g. geothermal) could also be accommodated.
m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development of the land, if the land is also located within a Site Plan Control Area designated under subsection 41 (2) of this Act.	The proposed development is not anticipated to be subject to site plan control.

Based on the above, the proposed application for draft plan of subdivision is consistent with the relevant provisions and requirements of the *Planning Act*.

6.2 Provincial Policy Statement

The Provincial Policy Statement 2020 ("PPS") provides policy direction on matters of provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. The PPS was issued under Section 3 of the Planning Act and the current 2020 PPS came into effect on May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014. In this regard, Section 3 of the Planning Act requires that land use planning decisions be consistent with the PPS.

Provincial Policy Statement	Proposed Project
<p>Policy 1.1.1</p> <p>Healthy, livable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p>	<p>a) The proposed rural residential subdivision is proposed to connect to an existing public road and would not require the extension of municipal roads, water or sanitary services. The development is limited relative to the</p>

Provincial Policy Statement	Proposed Project
<p>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), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of <i>settlement areas</i> in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, <i>transit-supportive</i> development, <i>intensification</i> and <i>infrastructure</i> planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet the current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and,</p>	<p>overall development in the municipality and will support the rural tax base and the existing services already provided.</p> <p>b) The proposed development will contribute to the mix of development in the area by supplying additional single detached dwellings in an appropriate location in the County.</p> <p>c) No environmental, public health of safety concerns are anticipated to result from the proposal.</p> <p>d) The subject lands are well-removed from settlement areas in the municipality and are not anticipated to affect any expansions to those areas.</p> <p>e) The proposed development is in an area planned/zoned for residential development. The proposed development does not require the expansion of municipal services such as roads and water or sanitary services as the proposed private services and condominium road will ensure all such costs are borne by the individual land owner..</p> <p>f) n/a</p> <p>g) Technical studies have been prepared in support of the application to demonstrate that private servicing can meet the needs of the proposed development.</p> <p>h) The proposed development involves the preservation of coastal wetlands (provincially non-significant). No</p>

Provincial Policy Statement	Proposed Project
<p>i) preparing for the regional and local impacts of a changing climate.</p>	<p>development is proposed on or within 30 metres of the water or natural heritage features which will help in conserving biodiversity.</p> <p>i) Limited residential development in the rural area serviced by existing public roads is not anticipated to negatively impact preparation for a changing climate. We note that rural residential lots do allow for sustainable practices such as growing food, use of solar energy sources and low impact design (LID) for stormwater management.</p>
<p>Policy 1.1.4.1 Healthy, integrated and viable <i>rural areas</i> should be supported by:</p> <p>a) building upon rural character, and leveraging rural amenities and assets;</p> <p>b) promoting regeneration, including the redevelopment of <i>brownfield sites</i>;</p> <p>c) accommodating an appropriate range and mix of housing in rural <i>settlement areas</i>;</p> <p>d) encouraging the conservation and <i>redevelopment</i> of existing rural housing stock on <i>rural lands</i>;</p> <p>e) using rural <i>infrastructure</i> and <i>public service facilities</i> efficiently;</p> <p>f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;</p> <p>g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets;</p>	<p>a) The proposed development is a low-density development which will maintain the rural character of the County.</p> <p>b) n/a</p> <p>c) n/a</p> <p>d) n/a</p> <p>e) The proposed development involves the efficient use of rural infrastructure and public service facilities as the proposed development will not require the extension of public roads and will be serviced by private well and septic systems.</p> <p>f) n/a</p> <p>g) n/a</p>

Provincial Policy Statement	Proposed Project
<p>h) conserving biodiversity and considering the ecological benefits provided by nature; and</p> <p>i) providing opportunities for economic activities in <i>prime agricultural areas</i>, in accordance with policy 2.3</p>	<p>h) The proposed development involves the conservation of coastal wetlands (provincially non-significant) and all development will be setback a minimum of 30 metres from the water which will further conserve biodiversity. In addition, the proposal includes a parkland block which provides access to the waterfront. As such, the proposal considers the ecological benefits provided by nature.</p> <p>i) n/a</p>
<p>Policy 1.1.4.2</p> <p>In rural areas, rural <i>settlement areas</i> shall be the focus of growth and development and their vitality and regeneration shall be promoted.</p>	<p>The proposed development is located outside of a rural settlement area in an area zoned for residential development. The proposed development is low-density and small scale (16 lots) and as such will not conflict with growth and development of rural settlement areas within PEC.</p>
<p>Policy 1.1.5.2</p> <p>On <i>rural lands located in municipalities, permitted uses are:</i></p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses (including recreational dwellings);</p> <p>c) residential development, including lot creation, that is locally appropriate;</p> <p>d) <i>agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices</i>, in accordance with provincial standards;</p> <p>e) <i>home occupation and home industries</i>;</p> <p>f) <i>cemeteries; and</i></p>	<p>a) n/a</p> <p>b) The subject development is waterfront residential, which we understand to be a form of resource-based recreational use (recreational dwelling).</p> <p>c) The proposed development includes the creation of 16 lots in an area that is currently designated and zoned for residential development and as such the proposed lot creation is locally appropriate. The appropriateness of the proposed development is discussed in greater detail in the Official Plan policy analysis included in this report.</p> <p>d) n/a</p> <p>e) n/a</p> <p>f) n/a</p>

Provincial Policy Statement	Proposed Project
g) <i>other rural land uses.</i>	g) n/a
<p>Policy 1.1.5.4</p> <p>Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p>	<p>Based on the findings of the Hydrogeological Study and the Terrain Analysis, the proposed residential lots can be adequately serviced by individual private well and septic systems.</p>
<p>Policy 1.1.5.5</p> <p>Development shall be appropriate to the <i>infrastructure</i> which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this <i>infrastructure</i>.</p>	<p>The proposed development will be accessed by a private road that will be a common element in the plan of condominium and maintained by the condo corporation. The lots will be serviced by private individual well and septic systems. As such, the proposal will not require the uneconomical expansion of municipal infrastructure.</p>
<p>Policy 1.1.5.7</p> <p>Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.</p>	<p>The subject property is within the Shoreland Designation of the Official Plan and outside of any identified agricultural, aggregate or other such natural resources.</p>
<p>Policy 1.1.5.8</p> <p>New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the <i>minimum distance separation formulae</i>.</p>	<p>A MDS investigation was completed for the proposed development which determined that there were no agricultural operations which required MDS setbacks within 1.5 km of the subject lands.</p>
<p>Policy 1.4.3</p> <p>Planning authorities shall provide for an appropriate range and mix of <i>housing options</i> and densities to meet projected market-based and affordable housing needs of current and future residents of the <i>regional market area</i> by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is <i>affordable to low and moderate income households</i> and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which</p>	<p>The proposal includes the development of 16 residential lots which will increase the available housing options in the rural area, noting that the municipality has serviced urban settlement areas that are the designated focus of growth for any substantial new residential development. The proposed development is limited in scale relative to the overall growth of the municipality and is locally appropriate. No expansion of municipal roads, water or sanitary services are required.</p>

Provincial Policy Statement	Proposed Project
<p>shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including <i>special needs</i> requirements and needs arising from demographic changes and employment opportunities; and 2. all types of <i>residential intensification</i>, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring <i>transit-supportive</i> development and prioritizing <i>intensification</i>, including potential air rights development, in proximity to transit, including corridors and stations; and,</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	
<p>Policy 1.6.3</p>	<p>The proposed development is located on a private road and no expansions to public</p>

Provincial Policy Statement	Proposed Project
<p>Before consideration is given to developing new infrastructure and public service facilities:</p> <ul style="list-style-type: none"> a) the use of existing <i>infrastructure</i> and <i>public service facilities</i> should be optimized; and, b) opportunities for adaptive re-use should be considered, wherever feasible. 	<p>roads are required. The proposed development will be serviced by private well and septic systems which negates the needs for developing new public service facilities to accommodate such services.</p>
1.6.6 Sewage, Water and Stormwater	
<p>Policy 1.6.6.6</p> <p>Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient <i>reserve sewage system capacity</i> and <i>reserve water system capacity</i> within <i>municipal sewage services</i> and <i>municipal water services</i> or <i>private communal sewage services</i> and <i>private communal water services</i>. The determination of sufficient <i>reserve sewage system capacity</i> shall include treatment capacity for hauled sewage from <i>private communal sewage services</i> and <i>individual on-site sewage services</i>.</p>	<p>The proposal development will be serviced by individual on-site septic systems, consistent with rural servicing levels within the hierarchy of services.</p>
<p>Policy 1.8.1</p> <p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the <i>impacts of a changing climate</i> through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of <i>active transportation</i> and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or 	<p>Limited residential development in the rural area serviced by existing public roads is not anticipated to negatively impact preparation for a changing climate. We note that rural residential lots do allow for sustainable practices such as growing of food for personal consumption, use of solar energy sources and low impact design (LID) for stormwater management. We note that the increasing use of electric vehicles will also help to reduce greenhouse gas emissions associated with travel of residents living in rural areas, and that charging of such vehicles can be provided by sources such as on-roof or ground-mounted solar systems.</p>

Provincial Policy Statement	Proposed Project
<p>designing these to facilitate the establishment of transit in the future;</p> <p>d) focus freight-intensive land uses to areas well served by major highways, <i>airports</i>, <i>rail facilities</i> and <i>marine facilities</i>;</p> <p>e) encourage <i>transit-supportive</i> development and <i>intensification</i> to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;</p> <p>f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and <i>green infrastructure</i>; and</p> <p>g) maximize vegetation within <i>settlement areas</i>, where feasible.</p>	
<p>Policy 2.1.1</p> <p>Natural features and areas shall be protected for the long term.</p>	<p>The natural heritage features on the subject property have been identified and evaluated in the accompanying Environmental Impact Statement (EIS). The EIS provides recommendations to protect the natural features on and adjacent to the subject lands.</p>
<p>Policy 2.1.5</p> <p><i>Development and site alteration</i> shall not be permitted in:</p> <p>a) <i>significant wetlands</i> in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;</p> <p>b) <i>significant woodlands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;</p> <p>c) <i>significant valleylands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;</p> <p>d) <i>significant wildlife habitat</i>;</p>	<p>a – c) There are no significant wetlands, woodlands or valleylands on or within 120 m of the subject lands.</p> <p>d) Any identified significant wildlife habitat will be avoided and/or it will be demonstrated that no negative impacts will result.</p>

Provincial Policy Statement	Proposed Project
<p>e) <i>significant areas of natural and scientific interest</i>; and</p> <p>f) <i>coastal wetlands</i> in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)</p> <p>unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i>.</p>	<p>e) There are no ANSIs on or adjacent to the subject lands.</p> <p>f) there are no significant coastal wetlands on or within 120 m of the subject lands.</p>
<p>Policy 2.1.7</p> <p><i>Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</i></p>	<p>The accompanying EIS indicates that the only SAR with a reasonable chance of being present on the property is the Eastern Whip-poor-will. If any SAR are present it is understood that it will require consultation with the MECP to determine if mitigation or compensation is possible.</p>
<p>Policy 2.1.8</p> <p><i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 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.</i></p>	<p>The proposed development will be located outside of the 30-metre setback from Coastal Wetlands (non-significant) on the subject lands. The accompanying EIS includes recommendations for the development to ensure that there are no negative impacts on natural features or their functions.</p>
<p>Policy 2.6.1</p> <p><i>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</i></p>	<p>There are no identified significant heritage resources or significant cultural heritage landscapes on or adjacent to the subject lands.</p>
<p>Policy 2.6.2</p> <p><i>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</i></p>	<p>A Stage 1 archaeological study was completed for the subject lands and a Stage 2 archaeological study will be completed to ensure that no archaeological resources are present or, if present, that they will be conserved.</p> <p>If during development archaeological resources are identified, the requirements of the Ontario Heritage Act will be adhered to.</p>
<p>Policy 3.2.2</p> <p>Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no <i>adverse effects</i>.</p>	<p>An ESA was completed for the subject lands. Based on the findings of the Phase 1 ESA it is understood that a Phase 2 ESA is recommended. However, we understand that a Record of Site Condition is not required.</p>

CONCLUSION

The proposed development is consistent with the policies of the PPS. The proposed residential development efficiently uses land, protects natural heritage resources and contributes to a mix of dwelling types in Prince Edward County. The proposed development does not require the extension of municipal infrastructure and can satisfactorily address stormwater, archaeology, and servicing requirements.

6.3 Prince Edward County Official Plan (1998)

The County of Prince Edward Official Plan (the “Official Plan”) was adopted by Council and approved by the Minister of Municipal Affairs on December 23, 1998. The latest consolidation of the Official Plan available on the County’s website is dated January 2011. The Official Plan provides a long-range planning framework to help guide the future of the County. We note that Council adopted a new Official Plan in February 2021, but that it remains with the Province for review and approval prior to coming into force and effect. This newly adopted Official Plan includes a “transition policy” that directs that applications filed before July 6, 2021 are to be evaluated against the 1998 Official Plan. Therefore, the subject applications are being reviewed against the policies of the “in-force” 1998 Official Plan, though this report also considers the relevant policies of the newly adopted Official Plan.

The 1998 Official Plan identifies that the subject lands are designated ‘Shore Land’, ‘Rural’ and ‘Environmental Protection’ on Schedule “E” in the Official Plan (Figure 4), with the proposed subdivision lands entirely within the Shore Land designation. No development is proposed in the Environmental designation. The proposed residential uses are permitted within the Shore Land designation, as described below.

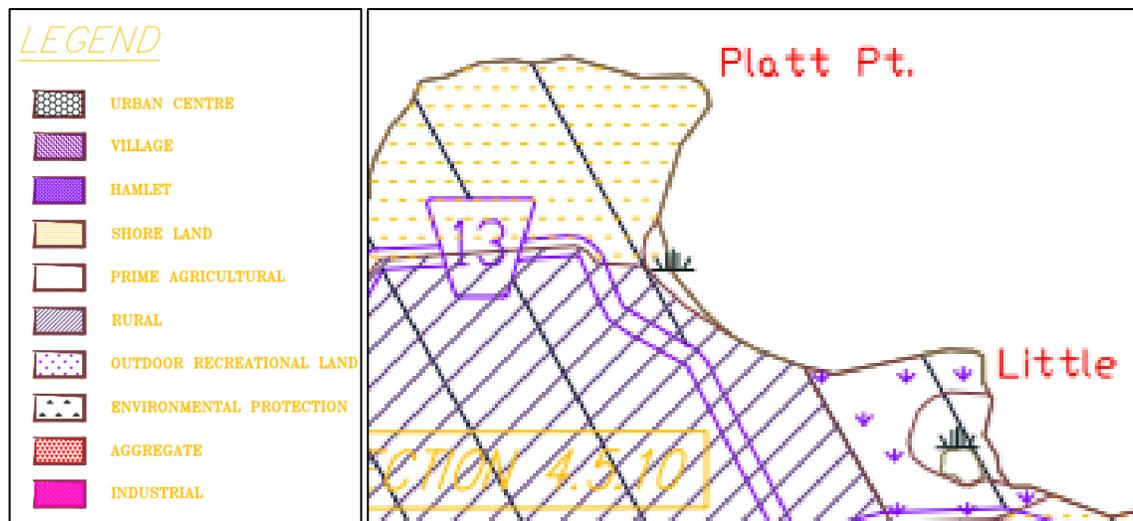


Figure 4: Land Use Designation of Subject Lands (source: Schedule E Prince Edward County OP)

SECTION II: A VISION FOR PRINCE EDWARD COUNTY

Growth Pressures (2.3) and Settlement Patterns (2.4): According to the Official Plan, the population of Prince Edward County is anticipated to have reached a total of 32,000 by 2021. It identifies that “careful planning and decision making will ensure that the unique and special characteristics of the County are not lost in order to accommodate the growth pressure.” The Plan directs that “settlement in the rural areas will maintain the quality, diversity and character of the rural landscape and will not create an overcrowded and suburbanized countryside.”

Comment: The subject lands are located outside of an urban centre in the Shore Land designation. The subject lands are vacant but were previous planned for residential development. The proposed subdivision consists of 16 lots ranging in size from 0.81 to 1.12 hectares. The development is small scale and will preserve the unique characteristics of the County by providing large rural residential lots. The proposed development will contribute to the mix of housing available in the market in the Rural Area without creating an overcrowded or suburbanized countryside due to their large size, location along the water and the proposed lot configuration. Based on this, the proposal is supportive of the County's vision for growth as expressed in the in-force Official Plan.

SECTION III – GENERAL DEVELOPMENT STRATEGIES

Section 2.7 – Individual Private Sewage Treatment Systems

Section 2.7.1: “All requirements of the County shall be met, including the receipt of a Certificate of Approval and Use Permit necessary for the installation of a Class IV system (septic tanks with tile bed) or equivalent for all existing or newly created lots to be serviced with individual private sewage treatment systems.”

Section 2.7.2: “The location of a "spare" area for the development of a subsequent tile field shall be provided on each lot and approved by the County.”

Comment: The Terrain Analysis included with the applications identifies that a Class IV septic system is appropriate for the development of the residential lots. It also identifies both a primary and “spare” (or secondary) location for each septic field.

Section 2.8 – Private Water Supply

Section 2.8.1: A number of criteria for the use of wells for a potable water supply are identified, including the use of wells are installed in accordance with Provincial standards, that they yield an adequate quantity of potable water, and that the developer/owner is responsible for ensuring that the water qualify meets minimum standards.

Comment: these policies are addressed through the Hydrogeologic Assessment completed by Malroz, with additional testing and assessment anticipated as a condition of draft plan approval. It is understood that the Assessment found that there will be an adequate quantity of potable water for the proposed subdivision.

Section 4.3 – Housing

Section 4.3.1: “The provision of adequate housing is a fundamental requirement for the social well being of all residents in Prince Edward County. In order to ensure an adequate level of housing in the County, it is the intent of this Plan:

- a) to encourage and facilitate the development and maintenance of an appropriate mix of housing types to meet the needs, incomes, preferences and lifestyles of all County residents;”

Comment: The proposed development contributes to the mix of housing types, specifically for those County residents preferring a rural lifestyle. The development of rural residential through a formal plan of subdivision process allows for a thorough assessment of the proposed development as compared to the more basic review associated with consent applications to create individual lots. The subject subdivision application includes a number of technical studies that assess natural heritage, ground water, servicing options, environmental conditions and traffic, which will help ensure that the housing provided is appropriate for the rural setting and site-specific conditions.

SECTION IV – LAND USE DESIGNATION POLICIES

4.0 - Shore Land:

Introduction – A: “Subdivision development may be permitted in the Shore Land designation, where communal water supplies are more easily provided or where detailed hydrogeological information supports its creation.”

Comment: A Hydrogeological Study has been completed for the subject lands which is supportive of the proposed subdivision development.

Section 4.1.3: Within the Shore Land designation residential development “should be sensitively designed and located to enhance and protect the shoreline resources and should avoid crowding of buildings, the removal of earth and vegetation and the pollution of surface and subsurface water.”

Comment: The proposed development is sensitively located. Development will be located a minimum of 30 metres from the water and the proposed residential uses will be located far apart to avoid the crowding of buildings. An Environmental Impact Statement (EIS) was completed for the subject lands and includes recommendations which will ensure that the proposed development will protect the shoreline. For example, the EIS recommends that 80% of vegetation is preserved within 30 metres of the shoreline. The recommendations of the EIS will be implemented through conditions of Draft Plan approval, the subdivision agreement and/or the zoning by-law.

Section 4.1.5: Within the Shore Land designation “development should not necessitate the undue extension of municipal services and permanent dwellings should not contribute to demands for services which are not feasible or economic to provide, improve or maintain.”

Comment: The proposed development will be on private services (well and septic) and consists of 16 lots which will not significantly increase demands for municipal services. Access to the proposed development will be through a private condo road which will be maintained by the owners for the dwellings. As such, the proposed development is not anticipated to require the undue extension of municipal services or result in demands for services that are not feasible or economical.

Section 4.1.6: Within the Shore Land designation the County can “place the lands in an appropriate zone, which recognizes the restricted nature of service delivery within that zone.”

Comment: The subject lands are within the Limited Service Residential ‘LSR’ Zone and are proposed to remain in an LSR Zone which recognizes the development’s access by a private road and rural servicing.

Section 4.1.9: The OP outlines that “adequate public access to water in the Shore Land designation shall be ensured.”

Comment: The proposed development includes a public access to the water in the form of an Open Space block between Lots 10 and 11 on the Draft Plan.

Section 4.2.1: Within the Shore Land designation, the predominant use of land includes low density residential uses.

Comment: The proposed development is for a low-density residential subdivision consisting of 16 lots, which is permitted in the designation.

Section 4.2.2: “Residential development within the Shore Land designation is permitted for single dwelling units only.”

Comment: The proposed development includes a 16-lot residential subdivision which will consist exclusively of single detached dwellings. In addition, the OP states that “locations least likely to

block or interrupt scenic vistas as viewed from public roadways and the water shall be preferred for development” (4.3.1).

Section 4.3.1: “Shore Land residential subdivisions shall be designed to avoid the complete development of the shoreline with a single or multiple rows of lots. A comprehensive design of large areas shall be encourage ensuring the maximum access and use of water frontage.”

Comment: The proposed subdivision consists of 16 residential lots around an internal access road. The proposed development will be screened from view of County Road 13 given the intervening lands and naturalized areas. The proposed lots will also be of a width and size with vegetated water setbacks that will avoid the “complete development of the shoreline.”

Section 4.3.3: “Access for new residential and commercial development in the Shore Land designation shall only be by a publicly maintained and assumed year-round road. Limited development on existing lots of record and infilling lots may be permitted on an existing private right-of-way provided that no further extension of the right-of-way is required, that the existing private road has the capacity for additional traffic, and that the County rezones the property to a limited services residential zone.”

Comment: The proposed development includes the option to re-use an existing private road (Access A) with a partial re-alignment plus create a new private road, or to create a new private road along the unopened municipal road allowance. The subdivision is proposed to be accessed from County Road 13 by a private road (either Access A or B) and the road within the subdivision is proposed to be a common element condominium road. The road will be designed to accommodate the traffic generated by the 16 lot subdivision, and is preferred to the creation of a new public road in that it avoids the need for the long-term upkeep and maintenance by the municipality. The development of the lands through a plan of subdivision and plan of condominium approach allows a more comprehensive approach to evaluating and controlling access, and for ensuring the long-term maintenance of the road without incurring costs to the municipality. Tools such as the condominium and/or subdivision agreements can be used by the municipality to ensure that the intent of this policy is achieved, which is to ensure safe and adequate access, while avoiding the creation of new public infrastructure that would place a financial burden on the municipality.

Section 4.3.4: “Within the Shore Land designation the use of shared driveways is encouraged.”

Comment: Access to the proposed residential subdivision will be shared with either access option as both Option A and B will make use of existing private driveways/entrances connecting to County Road 13. Utilizing the existing private right-of-way meets the intent of the OP to reduce the number of individual entrance requirements.

Section 4.3.5: “Where Shore Land areas have been developed in a linear fashion, the land on the other side of this linear row of development may be developed with limited residential uses, in keeping with the consent policies of the Prime Agricultural or Rural designation, whichever is predominant in the area.”

Comment: The Shore Lands designated lands in the area of Flatt Point and Half Moon Bay have not been developed in a linear fashion, but rather in a more random fashion with larger lots and varying points of access and setbacks from the public road.

Section 4.4.1 of the OP outlines the general policies for development in the Shore Land designation. The relevant policies are as follows:

- b) “Residential...development which would involve four or more lots, shall take place according to a registered plan of subdivision. The appropriate level of water and sewer services to be provided shall be determined in accordance with a servicing options investigation.”

Comment: The proposed development includes a 16-lot residential subdivision. Both a Hydrogeological Assessment and a Terrain Analysis Report were completed in support of the proposed development which concludes that the development can be adequately serviced with private wells and Class 4 sewage treatment systems. For the specific details, the original reports should be consulted.

- c) "A Servicing Options Investigation shall accompany all development and redevelopment proposals with the exception of limited residential development by consent as per Part IV, Section 4.4.1a) to ascertain the most appropriate form of servicing to foster environmental protection. The servicing options investigation shall consider the assimilative capacity of the ground water or surface water to absorb effluent without adversely impacting the natural environment. Where communal servicing is appropriate, the discussions regarding its ownership and maintenance shall be in accordance with Ministry of the Environment guidelines;"

Comment: A Terrain Analysis Report was completed in support of the proposed development which assesses the suitability for onsite wastewater treatment. This report identifies that the use of traditional Class 4 sewage disposal systems can be supported and will provide appropriate servicing for the 16-lot subdivision. For the specific details, the original report should be consulted and considered.

- d) "Where individual services are appropriate, individual lot sizes shall be determined by the greater of the results of the hydrogeological assessment of 0.8 hectares, whichever is greater unless otherwise specified. Considerations may also be given to the use of other proven servicing systems subject to the approval of the Ministry of Environment and Council;"

Comment: A hydrogeological study was completed for the subject lands which concludes that there appears to be an adequate quantity of potable water to service the proposed 16 lots, all of which exceed a lot area of 0.8 hectares.

- e) "Where the servicing options investigation deems that the use of private water and sewage systems is appropriate, a hydrogeological assessment prepared by a competent professional indicating that an adequate supply of potable water is available for each new lot and that the site can assimilate wastes from the proposed septic systems without exceeding Ministry of the Environment guidelines for groundwater impact must also accompany the development application;"

Comment: A hydrogeological study was completed for the subject lands which concludes that there appears to be an adequate quantity of potable water to service the proposed 16 lots. A Terrain Analysis Report was also completed in support of the proposed development which assesses the suitability for onsite wastewater treatment. This report identifies that the use of traditional Class 4 sewage disposal systems can be supported and will provide appropriate servicing for the 16-lot subdivision. For the specific details, the original report should be consulted and considered.

- f) "Filling of shore land shall be permitted for the development of boathouses, docks, replacing eroded land and shore wells, and shore protection works, and shall require the approval of the Ministry of Natural Resources and/or the local Conservation Authority. Fill shall not be permitted for the purpose of creating new developable space along the shoreline or artificially increasing the surface area of a shoreline private property;"

Comment: The proposed development does not involve filling of shore land.

- g) "Wherever possible, communal as opposed to individual docking will be encouraged in Shore Land development, in order to reduce the disturbance cause to the bed of the waterbody and the visual obstructions along the shoreline. Where a communal docking facility is to be provided it shall be located an appropriate distance from the nearest dwelling;"

Comment: It is anticipated that the common Open Space block between lots 10 and 11 could accommodate communal water access, possibly including a docking facility.

- h) “Wherever possible, the horizontal Shore Land setback for the construction of buildings should be 30 metres from the high-water mark of Lake Ontario or the Bay of Quinte with the exception of marine facilities. Where the placement of an existing road will not allow such a setback, the distance may be reduced to half the distance between the road and the waterbody, subject to approval of a variance to the implementing Zoning By-law and to Site Plan approval; and provided the setback is not less than 15 metres. Residential infill structures may be set back from the high water mark such that they are in keeping with the established building line for the area and provided the setback is not less than 15 metres;”

Comment: The proposed development will meet the required setbacks from the high water mark and floodplain as required by the zoning by-law.

- i) “Wherever possible, a natural vegetative buffer strip of 15 metres shall be maintained adjacent to the high water mark to filter pollutants from run-off. Within this buffer area, the clear cutting of trees will be discouraged. Any cutting of vegetation to create a view of the water shall respect the aesthetic and ecological character of the shoreline and should not create erosion problems.”

Comment: The draft plan of subdivision includes a minimum 30-metre vegetative buffer is maintained adjacent to the water. The EIS recommends that the buffer zone is maintained with at least 80% canopy cover where it currently exists and where it is currently less than 80% that all existing canopy cover remain.

- j) “All development in the Shore Land designation will be required to meet the Minimum Distance Separation (MDS) Formulae.”

Comment: An MDS investigation was completed which determined that there are no agricultural operations that require MDS setbacks within 1,500 metres of the subject lands.

- k) “For the purposes of calculating the MDS Formulae, lands designated Shore Land will be considered a Type A land use unless zoned to permit land uses identified as Type B land uses in the MDS Formulae Implementation Guidelines.

Comment: Per MDS Guidelines #33 and #34 the proposed development is considered to be a Type B land use. As such, per Guideline #6, the MDS investigation distance was determined to be 1,500 metres.

Section 4.4.2 of the OP outlines the policies for residential development in the Shore Land designation. The relevant policies are as follows:

- a) “Residential development in the Shore Land designation shall be primarily by plan of subdivision as outlined in Part V, Section 1.2 of this Plan;”

Comment: The proposed development is proceeding by Plan of Subdivision which is the appropriate application to create 16 residential lots.

- b) “Residential development by infilling, as defined in this Plan, may be permitted where the distance between two existing houses or vacant residentially zoned lots of record is not more than 180 metres. Lots shall be a minimum of 0.8 hectares;”

Comment: This policy does not apply to a plan of subdivision proposal.

- c) “... proposals for four or more lots shall be developed according to an approved plan of subdivision;”

Comment: The proposed development is proceeding by Plan of Subdivision which is the appropriate application to create 16 residential lots.

- d) "Lots shall be laid out to achieve the following objectives:
- i. that dwellings can be situated on the most suitable soils and topography for sub-surface septic sewage disposal:
 - ii. that dwelling can be situated in locations least likely to block or interrupt scenic vistas as seen from public roadways and the water; and
 - iii. that the greatest number of units can be designed to take maximum advantage of solar heating opportunities;"

Comment: The proposed lots have been laid out to achieve the above noted objectives. Each lot has frontage on Halfmoon Bay and is of a size to accommodate suitable well and septic systems as well as orient dwellings to take advantage of solar heating opportunities. Due to the orientation of the subject lands in relation to County Road 13, it is not anticipated that the proposed development will interrupt scenic vistas.

- e) "The area's drainage requirements shall be detailed as per a stormwater management study;"

Comment: A Stormwater Management Report has been completed in support of the proposed development which outlines recommendations for stormwater management techniques to provide an enhanced level of protection to the receiving water body and promote best practices. For the specific details, the original report should be consulted and considered.

- f) "Five percent of the Shore Land to be subdivided with water frontage, depending upon the subdivision form (cluster or open shoreline) should be dedicated as open space. Cash-in-lieu of park land can be considered if the open space shoreline is to remain in private ownership. The public or private open space shall be placed in an open space or park zone;"

Comment: The proposed development includes an open space block providing access to the water. At this point, the municipality has not identified if parkland dedication is required and/or cash-in-lieu of parkland will be selected instead. It is anticipated that this will be made clear through formal comments provided by the municipality in response to the applications.

- g) "Where Shore Land is to be developed for residential purposes, in accordance with Part III, Section 2.6 of this Plan, it shall be developed with an appropriate level of water and sewage treatment systems."

Comment: The proposed development will be serviced by private well and septic systems. Both a Hydrogeological Assessment and a Terrain Analysis Report have been completed in support of the proposed development which assesses adequacy of potable water and the suitability of onsite wastewater treatment. Both of these reports are supportive of the principle of development at the stage of draft plan of subdivision approval.

- h) "Three concept drawings (Figures 1, 2 and 3) are included as Appendix 'A' of this Plan to provide guidance in designing Shore Land residential development. The following policies shall apply where Shore Land is to be developed for residential purposes:"

Comment: The proposed subdivision design does not directly correlate to any of the three sample subdivision design/layout styles. However, it does satisfy the various policies as we interpret them to apply, including:

- Proposed lots have a minimum area of 0.8 hectares;
- Can be developed with appropriate private wells and sewage disposal systems;
- Provide communal recreational facilities and shoreline/waterfront access;
- Is serviced by an internal road with one access to a public road;

- Will retain significant naturalized areas and work with the existing topography rather than altering it;
- Limits the number of lots to 16 (one more than identified for 2 of the 3 subdivision types);
- Provides water frontage for nearly all lots, and provides shared water frontage through a common open space block.

8.0 - Environmental Protection:

Section 8.1.5: “The primary purposes of the Environmental Protection designation are the preservation and conservation of the natural environment and to protect locally significant wetlands.”

Comment: The proposed development involves the protection of the EP designated areas on the subject lands. No development is proposed on or within 30 metres of the EP designated areas. The intention is that the wetlands designated EP immediately south of the subdivision will be donated to a nature conservancy organization. This ensures that the EP designated areas are protected and conserved in perpetuity.

Section 8.1.8: “Landowners whose lands have been designated Environmental Protection shall be encouraged to maintain their lands in a manner which manages and protects the natural attribute of the area.”

Comment: The proposed development involves the protection of lands designated EP as no development is proposed in the EP designation or within 30 metres of the coastal wetlands (provincially non-significant). In addition, the owner intends to donate the wetlands shown as south of the proposed Draft Plan to a nature conservancy organization.

Section 8.3.2: “Before development is allowed on lands abutting an Environmental Protection area, the development shall be reviewed for the impacts that it may have on the Environmental Protection Land.”

Comment: An Environmental Impact Study (EIS) was completed for the subject lands. The EIS includes recommendations to protect the wetlands and supports the principle of development as it can be designed to avoid negative impacts on the identified EP lands and their associated natural heritage features.

Section V: The Division of Land

Section 1.1.1: “The division of land shall be permitted only if the County is satisfied that the proposal will not adversely affect the County's financial status. Development shall not be permitted where undue extension of public services or facilities or other expenditures by the County would be required.”

Comment: The proposed development is not anticipated to result in the undue extension of public services or facilities, specifically because the development is proposed to be supported by private water and sewage services and no new public roads are proposed.

Section 1.1.4: “Development by Plan of Condominium shall be permitted only on land where municipal and/or communal water and sewer services are to be provided.”

Comment: A common elements condominium is proposed solely for the purposes of maintenance and control of the shared access road and open space for the plan of subdivision. On this basis, our interpretation is that this policy does not apply to prevent the proposed plan of condominium for a rural residential plan of subdivision.

Section 1.1.6: “Where different land uses abut, every effort shall be made to avoid conflicts between such uses. Where deemed necessary, buffering or screening should be provided for the purpose of reducing or eliminating the adverse effects of one land use upon another.”

Comment: The subject property is in an area characterized by rural residential and rural land uses, with the only notable nearby use being the Half Moon Bay Winery at 3217 County Road 13. This winery is not anticipated to result in any conflicts with the proposed residential subdivision due to the distance between the winery operations and the proposed residential lots, as well as the intervening naturalized areas.

Section 1.2.1: “County Council will only approve plans of subdivision and condominium if they conform to the policies and land use designations in this Plan.”

Comment: the proposed subdivision is within the Shore Lands designation of the Official Plan, which permits residential subdivisions. An Official Plan amendment is being requested to allow the subdivision to be developed on a private condominium road as the Plan otherwise requires subdivisions to be developed with direct access to a public road, as per Part IV, Section 4.3.3 and Part V, Section 1.2.6. We are of the opinion that the Official Plan Amendment to allow access via a private condominium road conforms to the intent of the policies of the plan, particularly as it avoids the need to create new public roads.

Section 1.2.2: “In evaluating plans of subdivision and condominium, County Council will consider all information as specified in the Planning Act and the Condominium Act. Additional support studies as outlined in Part VI, Section 1.12 may be required by County Council or a government agency. Such studies may be required prior to the draft approval of a subdivision or condominium or as a condition of draft approval.”

Comment: the required supporting technical studies have been completed in support of the applications for plan of subdivision and plan of condominium, and it is expected that more detailed investigations may be required as a condition of draft plan of subdivision approval and prior to Final Plan approval.

Section 1.2.3: “County Council shall hold a public meeting to inform the public about a proposed plan of subdivision or condominium and gain their input prior to deciding what conditions to require as part of the draft approval of the subdivision.”

Comment: we anticipate that the municipality will schedule the statutory public meeting so that the municipality and the applicant can receive feedback from neighbours and the community about the proposal. We note that the owner has also been on contact with all of the abutting neighbours regarding the proposed development and will continue to do so as the project progresses.

Section 1.2.4: “Water and sewer services shall be provided in accordance with the applicable provisions of Part III, Sections 2.5, 2.6, 2.7 and /or 2.8.”

Comment: Well water and private sewage disposal systems are proposed to be provided in accordance with the policies of this plan, as described in the supporting Hydrogeological Assessment by Malroz and the Terrain Analysis by Groundwork Engineering.

Section 1.2.5: “Storm water management shall be addressed during the design and development of the plan of subdivision in accordance with Part III, Section 2.9.”

Comment: A Stormwater Management Design Brief was completed by Groundwork Engineering that proposed a stormwater management design and strategy for the subdivision. It is expected that the recommendations of this study will be implemented through conditions of draft plan of subdivision approval and through the subdivision agreement.

Section 1.2.6: “Access for lots in a plan of subdivision will primarily be from an internal, publicly owned and year round maintained road, which is constructed by the developer to current municipal

and Provincial standards. Buildings within a plan of condominium may gain access from a publicly owned and year round maintained road or an internal road, which is owned and maintained by the condominium corporation. The subdivision/ condominium agreement will contain provisions detailing how the internal roads are to be designed, constructed and maintained.”

Comment: The proposed development includes the option to re-use an existing private road (Access A) with a partial re-alignment plus create a new private road, or to create a new private road along the unopened municipal road allowance. The subdivision is proposed to be accessed from County Road 13 by a private road (either Access A or B) and the road within the subdivision is proposed to be a common element condominium road. The road will be designed to accommodate the traffic generated by the 16 lot subdivision, and is preferred to the creation of a new public road in that it avoids the need for the long-term upkeep and maintenance by the municipality. The development of the lands through a plan of subdivision and plan of condominium approach allows a more comprehensive approach to evaluating and controlling access, and for ensuring the long-term maintenance of the road without incurring costs to the municipality. Tools such as the condominium and/or subdivision agreements can be used by the municipality to ensure that the intent of this policy is achieved, which is to ensure safe and adequate access, while avoiding the creation of new public infrastructure that would place a financial burden on the municipality.

Section 1.2.7: “Public road allowances will be obtained in strategic locations within a plan of subdivision or condominium in order to accommodate future roads where extension of development in the area could be a possibility. The County may require that any dead ends and open sides of road allowances created by a plan of subdivision shall terminate in a .3 metre (1 foot) reserve to be conveyed to, and held in trust, by the County.

The external road network from which the proposed subdivision or condominium is to gain access must have capacity to support the additional traffic generated by the development. Provisions will be included in the subdivision agreement between the County and the developer to ensure that the developer provides the necessary engineering and construction work to upgrade the existing affected road network.”

Comment: No new public roads are proposed as part of the subdivision. A Traffic Impact Study has been completed to assess the access point(s) to the subdivision from County Road 13 and found that the entrance locations are appropriate. We understand that there are no concerns with respect to the capacity of County Road 13 to accommodate the additional traffic volumes generated by the development.

Section 1.2.9: “Subdivisions and condominiums may be developed in phases so that the development proceeds in an orderly and timely fashion. The phasing of the development may be addressed through provisions in the subdivision agreement and/or through the use of a holding symbol (H).”

Comment: The proposed subdivision is not anticipated to be developed in phases.

Section 1.2.11: “The County will take part or all of the five percent parkland dedication permitted under the Planning Act to provide parkland or facilities. When a plan of subdivision or condominium is proposed for property bordering a water body, the County may require that the five percent parkland dedication be comprised of land bordering the water body. Wherever possible, parkland and open spaces from a subdivision or condominium should be linked to one another to form corridors, especially along shorelines. In the alternative, the County may accept cash-in-lieu of the five percent land dedication.”

Comment: An open space block is proposed between Lots 10 and 11 which could be conveyed as public parkland if desired. It is expected that the requirement for public parkland and/or cash-in-lieu will be discussed as part of the technical review process.

Section 1.2.12: “The County shall enter into an agreement with the developer as a condition of the approval of a plan of subdivision or condominium. This agreement will set out all matters that the County wishes to have addressed including: the provision of on and off-site services and obligations required of the developer; and how the environmental impacts of the development (i.e. water quantity and quality, the operation and efficiency of septic systems, drainage conditions, etc.) will be addressed and monitored. Adequate financial security will be required by the County within the subdivision/condominium agreement to cover the potential expenses associated with compliance with the agreement.”

Comment: It is anticipated that a subdivision agreement and condominium agreement will be required that they will address the matters noted, as well as matters related to maintenance of the condominium road, site access and restrictions related to the development of lots with respect to both servicing and natural heritage protection.

Section 1.2.14: A site plan agreement shall be required to develop by plan of condominium.

Comment: It is not clear if this policy applies to common elements condominiums or if it is intended for standard condominiums. In our experience, site plan would not apply to a common element condominium, especially where it is within a plan of subdivision and the subdivision lots are parcels-of-tied land. It is expected that this will be discussed through the technical review process.

6.4 Prince Edward County Adopted Official Plan (2021)

The Council of the County of Prince Edward adopted a new Official Plan in February 2021. We understand that it is currently being reviewed by the Province and will come into force once Ministerial approval is received. While not yet in effect, we have reviewed the relevant proposed policies as they relate to the proposed development of a 16-lot residential subdivision.

The proposed development generally complies with the policies for Shore Land development in Section 4.3.1 of the Adopted Official Plan, the design policies for Shore Lands outlined in Section C.3 of Appendix C and the policies related to Natural Heritage and Environmental Protection. The relevant policies of the Adopted Official Plan are outlined below.

Natural Heritage System Policies (3.1.3)

“a) Wetlands – Wetlands are important features within the landscape, with several of the wetlands within the County identified as being Regionally and Provincially Significant Wetlands (PSWs). Other wetlands have not been evaluated but are worthy of consideration for protection due to their size and their perceived contribution to ecological value;“

Comment: There are no identified “significant” wetlands on or adjacent to the subject property, but the non-significant coastal wetland is proposed to be protected through a minimum 30 m setback for any new development and maintenance of a vegetative buffer within that setback.

“f) Shorelines – The County is surrounded by water, including Lake Ontario and the Bay of Quinte, and contains several inland lakes. The protection of the shoreline areas which surrounds these lakes, known as the shoreline riparian area, helps maintain water quality, fish habitat and wildlife habitat, and will be an important consideration in the review of any proposed shoreline development;“

Comment: A preliminary EIS has been completed that includes an initial assessment of the proposed development in the context of its waterfront location and has identified that the principle of development can be supported, provided certain recommendations to mitigate against or avoid negative impacts on natural heritage features such as Lake Ontario.

Feature Specific Policies (3.1.4)

“Wetlands – Other, including unevaluated wetlands and wetlands of other significance

2) Development shall not be permitted within an identified *Wetland – Other* feature or within 30 metres of an identified *Wetland – Other* feature (i.e. unidentified wetland) unless the ecological function of the feature has been evaluated through an Environmental Impact Study (EIS) that demonstrates, to the satisfaction of the County, in consultation with Quinte Conservation and any other agency having jurisdiction, that there will be no negative impacts on the natural feature, or its ecological functions. The EIS must also demonstrate how any development activities are to be compatible with the feature.

5) Regardless of the scale of adjacent development activity, opportunities to improve upon identified Wetlands which may have been degraded in the past, or which have insufficient natural buffers to support their full range of natural functions shall be considered when development applications are reviewed.”

Comment: No development is proposed within the wetland on and adjacent to the property, nor is any development proposed within 30 m of the wetland. The proposed development is supported by an EIS that assessed the proposal in the context of the existing natural heritage features and is supportive of the principle of development.

Unmapped Natural Heritage Feature Policies (3.15)

“Watercourses and Shoreline Buffers

- 1) Buffering of watercourses is important to ensure the protection of these natural functions. Coldwater systems require larger buffers than warm-water systems:
 - a) All watercourses, together with a riparian zone extending a minimum 15 metres from their shorelines or top of bank, are to be protected; and
 - b) The shorelines of Lake Ontario, the Bay of Quinte and all inland lakes shall be protected by riparian zone/natural buffer of at least 30 metres from the normal high-water mark. With only minor exceptions, subject to the approval of the County, in consultation with Quinte Conservation and any agency having jurisdiction, grading will not be permitted within this riparian zone/natural buffer.
- 2) For new lot creation, *development*, including the septic system tile bed, must be set back a minimum of 30 metres from the high-water mark of the lake with non-disturbance of the native soils and very limited removal of the shoreline vegetation. It is the understanding in consideration of a severance (consents) that the lot must be able to meet the setback with no subsequent variance.
- 3) For existing lots of record, new *development* will be set back 30 metres if possible, otherwise as far back as the lot permits in consideration of topographical or geographical constraints.
- 4) Permitted *development* proposals must be supported with an *Environmental Impact Study* (EIS) in consultation with the MECP. This is to ensure water quality protection. The study will take into consideration the existing water quality of the water body, surface water run-off, impact and loadings of phosphorous from septic systems, type of soils, stormwater management and nature of vegetation.
- 5) These provisions do not apply to prohibit accessory shoreline structures and uses associated with permitted uses along the shoreline.”

Comment: The proposed development complies with the policies related to Natural Heritage outlined in Section 3 of the adopted Official Plan. All development is proposed to be setback a minimum of 30 metres from the wetland complex (provincially non-significant) which will minimize any negative impacts to the wetland. Per the recommendations outlined in the EIS, vegetation (shrubs and trees) in the buffer area from the wetland and waterbody will be maintained with at least 80% canopy cover where such cover currently exists. It is anticipated that a minimum 30 metre setback will be required by the site-specific zoning and the recommendations in the EIS will be incorporated into the Subdivision Agreement. In addition, the owner intends to donate the lands associated with the wetland to a nature conservancy organization which will ensure the long-term conservation of the lands.

Shore Land Designation (4.3.1):

Policy 4.3.1.1: The proposed development meets the objectives of the OP for Shore Lands as it:

- provides the opportunity for future public access to the water's edge (Objective 1);
- protects the quality of the natural environment by requiring all development be located beyond a 30-metre setback from the water and wetlands (Objective 3);
- increases the amount of land that is in public ownership through a planned donation of the lands associated with the wetland complex (provincially non-significant) to a nature conservancy organization (Objective 6);
- Protects the integrity of the rural/agricultural community by avoiding impacts on agricultural operations and providing a scale/intensity of development that is compatible with the rural landscape; and
- does not involve the conversion of a tourist commercial use as the lands are designated and zoned for residential uses (Objective 8).

Policy 4.3.1.2: The Shore Land designation permits low-density residential uses, limited to single-detached dwellings (4.3.1.2.1). The proposed development includes a 16-lot residential subdivision consisting exclusively of single-detached dwellings with individual well and septic systems and a density of approximately 1.1 units per net hectare. The lot sizes exceed the minimum lot size requirement of 0.8 hectares and studies have been completed which demonstrated that there is sufficient area and appropriate site conditions to accommodate individual services (4.3.1.2.11). The proposed development is on lands designated and zoned for residential uses and is adjacent to residential properties as well as a winery and wetland. As such, the proposed development is not anticipated to conflict with farming operations in the area. An MDS investigation was completed in support of the proposed development which determined that there were no agricultural operations within 1,500 metres that required an MDS setback (4.3.1.2.9). In summary, the proposed development is a low-density residential development consisting of single detached dwellings and individual services which is the anticipated form of development in the shore land area.

Design Policies for Shore Lands (Appendix C):

Policy C.3 a): Appendix C.3 of the Adopted OP includes design policies for Shore Lands. The proposed development will support a compatible form of residential land use while protecting water resources and creating public access to the shoreline through the open space block proposed between Lots 10 and 11 of the Draft Plan.

Policy C.3 b): The relevant design policies outlined in Section C.3 b) are as follows:

- i) "The built form is blended into the natural landscape, with buildings and structures that maintain a low profile;"

Comment: The proposed build form consists of single-detached dwellings which will comply with the maximum height provisions outlined in the zoning by-law ensuring that the structures maintain an appropriate profile.

- iii) "Natural shorelines are retained or restored;"

Comment: The proposed development includes a 30-metre setback from the shoreline. The EIS includes a recommendation that the canopy cover in the shoreline buffer area be retained and/or enhanced with native plants to enhance the shoreline.

- iv) "In a new development that would require the creation of lots, such as a cluster development, lot sizes respond to the natural landscape, topographic features and the character of the adjacent water body;"

Comment: The proposed development has been designed to respond to the natural features of the subject lands in that they are adequately sized and positioned to accommodate the proposed dwellings and private services while accommodating a generous waterbody setback.

- v) “Rock faces, steep slopes and vistas are preserved, and vegetation is maintained within viewscales and along ridge lines;”

Comment: not applicable to the subject property as there are no such notable features on the subject lands.

- vi) “Native species are used for planted buffers where vegetation is being restored;”

Comment: The EIS recommends that a vegetated buffer be required between development and the shoreline, and that the natural tree canopy should be retained to a great extent. It is understood that the vegetation buffer shall consist of primarily native species. The recommendations of the EIS will be implemented through the subdivision agreement.

- vii) “Building mass and coverage are limited in relation to the size and frontage of the property and are in keeping with the character of the surrounding area;”

Comment: The proposed lots meet or exceed the minimum lot size requirements set out in the OP and in the zoning by-law. The proposed single detached dwellings will comply with the required setbacks in the Zoning By-law which ensures that the building mass and lot coverage are appropriate for the context of the property and keep with the character of the area.

- viii) “Lot lines follow existing features and terrain, and are configured as to minimize conflicts between abutting properties, particularly at the shoreline;”

Comment: The proposed lot fabric is not anticipated to result in conflicts between abutting properties, including at the shoreline.

- ix) “Setbacks from roads are sufficient to provide and maintain a natural buffer between the development and the road, in order to maintain a vegetative character along the roads; however, the appropriate waterfront setback takes precedence when a lot has insufficient depth to provide a buffer at both the shoreline and the road.”

Comment: The proposed development is adequately setback from County Road 13 and no new roads are proposed within 30 m of the shoreline.

Policy C.3 c): The design policies include considerations for development of a scale that requires a Draft Plan of Subdivision. The proposed development includes an open space area that provides public access to the water. The proposed development involves the preservation of the wetland complex (provincially non-significant) through a planned donation to a nature conservancy organization. The preservation of the wetland and the low-density single detached dwellings proposed ensure there are visual gaps to view the water and the proposed lots and development are sized and spaced such that the development will not overwhelm the natural landscape and rural character of the area.

Policy C.3 f): The design policies require that primary access for new residential development shall only be from a public road. Due to the lot configuration it is not possible for the subject lands to be accessed by a public road as it is separated from County Road 13 by the Halfmoon Bay Winery property. A new public road could be created connecting County Road 13 to the subject lands along the unopened road allowance, but the proposed private road access reduces the demand on public infrastructure maintenance as it avoids the creation of new public roads that must be maintained in the long term by the municipality.

Policy C.3 g): The design policies permit limited development on existing lots of record and infilling lots on existing private roads provided that no further extension of the private road is required, and that the existing private road has the capacity for additional traffic. A TIS was completed for the proposed development which concluded that the traffic impacts of the proposed development could be accommodated. Due to the existing lot configuration in the area it is necessary to modify an existing private road to service the development.

Section C.3 h): The use of shared driveways is encouraged in the Shore Lands designation in order to reduce the number of private, individual entrances. The proposed development will utilize a shared driveway that connects to County Road 13.

Policies on Rural Subdivisions within Adopted Official Plan

It is noted that the proposed development does not comply with Policy 5.1.3.12 of the proposed Official Plan. This policy prohibits “Country Lots Subdivisions” in the Shore Land designation (or any other area outside of a designated Settlement Area):

Land Division (5.1.3):

12) Country lot subdivision and residential plans of condominium shall not be permitted within the following designations: Aggregate, Environmental Protection, Waterfront, Open Space, Rural and Shore Land.

Transition Policies (5.2.4):

1) Applications submitted and deemed complete before July 6, 2021, shall be reviewed under the existing 2006 Official Plan. Applications that are missing one report based on seasonality (i.e. EIS) may also be reviewed under the existing 2006 Official Plan subject to the applicant submitting an application(s) containing all the other required reports, documents and fees such that it could be deemed complete subject to the missing report.

Comment: The applicant has been working with municipal staff since early 2019 regarding advancement of an application for Draft Plan of Subdivision for the Lands on the basis of the current in-force Official Plan (1998), which permits subdivisions in the Shore Land designation. The subject applications are being filed prior to July 6, 2021, and so will be reviewed under the 1998 Official Plan in accordance with this Transition Policy. Given the extensive work to date on advancing an application for Draft Plan of Subdivision for the Lands, it is appropriate to permit the development of the subject lands as proposed. The design policies for Shore Lands in the Adopted OP contemplate development of a scale that requires Draft Plan Approval (C.3.c) and as discussed above, the proposal complies with many of policies for Shore Lands as well as Environmental Protection which ensures that the development is appropriate for the subject lands. In addition, technical studies have been conducted which further demonstrate the appropriateness of the proposed development with respect to natural heritage, servicing and traffic/transportation.

6.5 Conclusion and Opinion

Based on our review of the applicable Official Plan policies, it is our professional opinion that the subject applications for Draft Plan of Subdivision and Condominium, Official Plan Amendment and Zoning By-law Amendment are appropriate and conform with the policies of the Official Plan, as proposed to be amended. The requested Official Plan Amendment to allow development of a subdivision on a private condominium road satisfies the intent of the Official Plan policies in that it ensures that adequate and safe access to the development will be provided and maintained in the long-term, while removing the financial obligation of the municipality to maintain new public road infrastructure that would otherwise be required. The Shore Lands designation is where rural

residential subdivisions are contemplated, and the proposed 16-lot subdivision satisfies the relevant policies of the Plan and the Provincial Policy Statement.

7 Comprehensive Zoning By-law No. 1816-2006

Comprehensive Zoning By-law No. 1816-2006 places the portion of the subject lands within the proposed draft plan of subdivision in the LSR-7-H and OS zones. The identified “other lands owned by the owner” that are located to the south of the proposed subdivision are zoned EP and RR2-2-H. It is understood that the existing LSR-7 zoning is a result of the historic subdivision approval from approximately 1978. The application for zoning by-law amendment proposes to retain that existing site-specific zoning, but to modify the zone boundaries to match the proposed new lot fabric and open space block. The proposed development will comply with all other provisions of the zoning by-law.

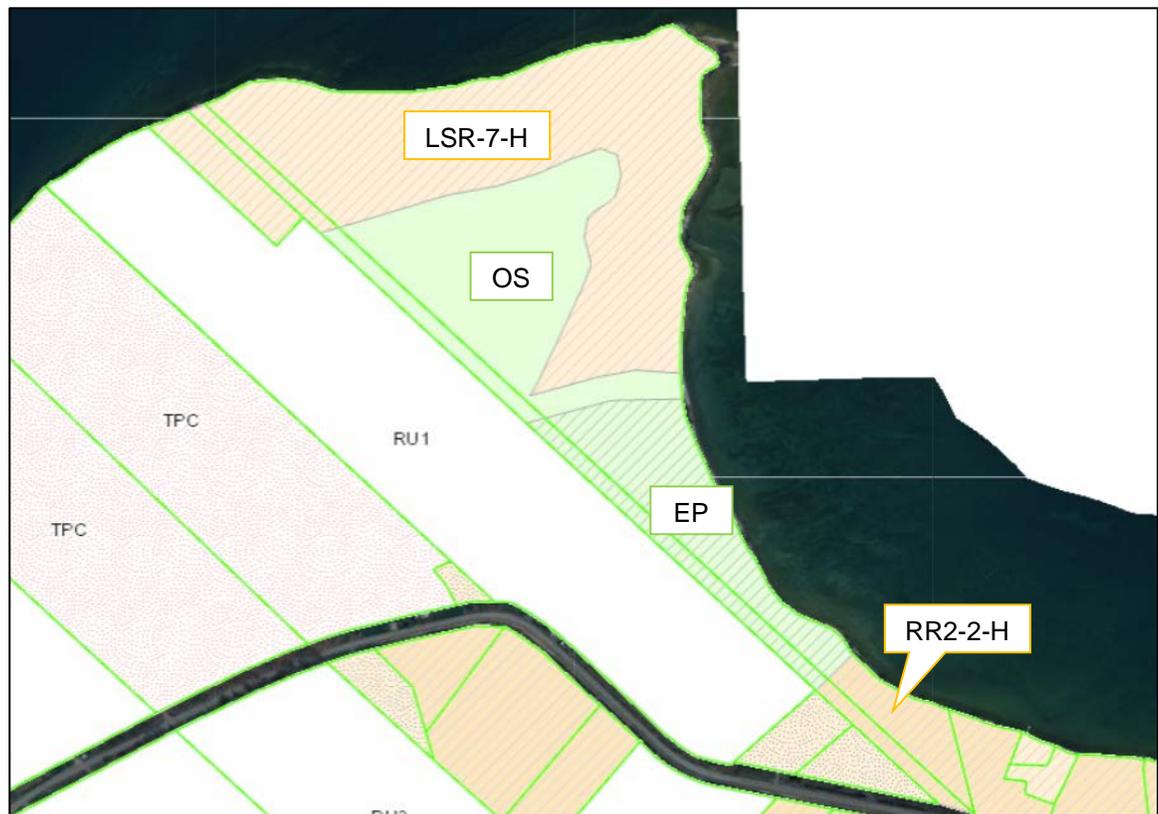


Figure 5: Current zoning of the subject lands (Source: The County GIS Viewer)

The proposed rezoning will achieve the following:

- Lots 1-16 will be placed in a modified LSR-7-H Zone that requires a minimum 30 m setback from the high water mark and the adjacent wetland.
- The water access between Lots 10-11 will be placed in the OS Zone.
- The EP zoned land will remain in the EP Zone, noting that the boundaries of the wetland may need to be adjusted according to the findings of the updated EIS once further field work has been concluded.

- An increased waterbody and wetland setback will be applied in accordance with the recommendations of the EIS. A setback of 30 m has been included in the zoning table below, noting that this setback may change pending the findings of the updated EIS once further field work has been concluded.

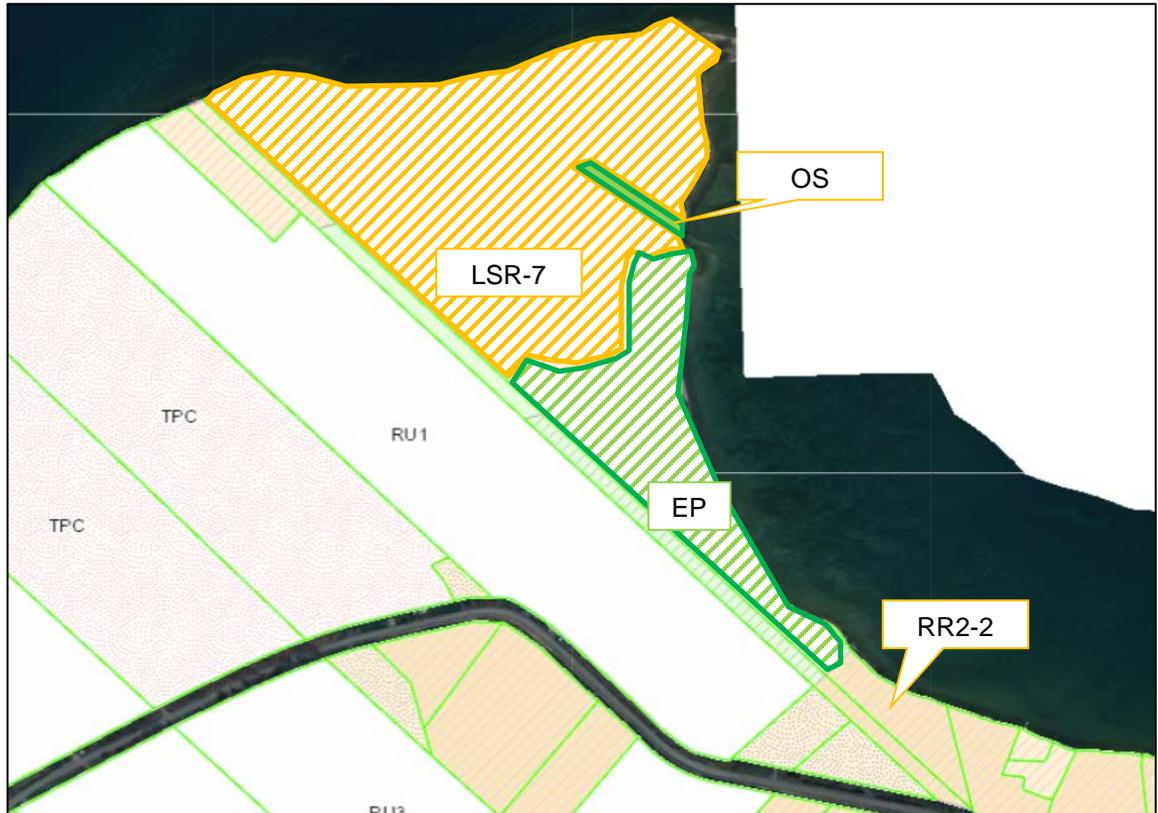


Figure 6: Proposed Zoning (Source of underlying base mapping: The County GIS Viewer)

7.1 Zoning Matrix

7.1.1 Limited Service Residential (LSR) Zone

SECTION	ZONE PROVISION	REQUIRED	PROPOSED	RELIEF REQUIRED
14.1	Permitted Residential Uses	1. One single detached dwelling 2. Home business 3. Accessory buildings and structures 4. One second unit or garden suite	Single detached dwelling	No
14.2	Permitted Non-Residential Uses	n/a	n/a	n/a

SECTION	ZONE PROVISION	REQUIRED	PROPOSED	RELIEF REQUIRED
14.3.1	Lot Frontage (min)	45 m	Water: varies Road: 20 m	No, as per allowance of LSR-7 zoning
14.3.2	Front Yard (min)	7.5 m	Water: 30 m Road: 7.5 m	No
14.3.4	Exterior Side Yard (min)	7.5 m	n/a	n/a
14.3.5	Interior Side Yard (min)	3 m	As required	No
14.3.6	Rear Yard (min)	10 m	As required	n/a
14.3.7	Lot Coverage (max)	10%	As required	No
14.3.8	Landscaped Open Space (min)	30%	As required	No
14.3.9	Height (max)	10 m	As required	No
14.3.10	Dwelling Units Per Lot (max)	1	As required	No
14.3.11	Dwelling Units Area (min)	75 sq. m	As required	No
14.4	General Provisions	Per Section 4 and 5	See below	n/a
14.5.7 LSR-7 Zone	Lot Frontage (min)	i. 15 m	Water: varies (> 15 m) Road: 20 m	No
	Setbacks (min)	ii. No building or structure shall be erected or used closer than 6 m above the 76.9 m contour or 30 m above the 76.5 m contour, whichever is the farther from the high water mark as shown on the draft plan of subdivision bearing Ministry of Housing File Number 13T-78022 and dated January 11, 1978.	To be altered to require a minimum setback of 30 m from the high water mark of Lake Ontario	Yes (to clarify that the minimum setback from the high water mark will be 30 m)

SECTION	ZONE PROVISION	REQUIRED	PROPOSED	RELIEF REQUIRED
4.25.2.i	Floodplain Setback (min)	15 m	15 m	No
4.25.2.i	High Water Mark Setback (min)	30 m	30 m	No
4.25.2.ii	Floodplain & High Water Mark Setback Exception	Unenclosed deck, driveway, boathouse, dock, shore well, or other marine facility permitted within 15m of Floodplain or 30m of High Water Mark but only with approval from QC.	As required	No
4.25.7	ROW Setback (min)	7.5 m	As required	No
5.1.1	Parking	2 spaces per dwelling unit	As required	No

7.1.2 Open Space

SECTION	ZONE PROVISION	REQUIRED	PROPOSED	RELIEF REQUIRED
30.1	Permitted Uses	Public or private park or open space Boat launching facility Etc.	Public or private park or open space	No
30.3.1	Lot Area and Frontage	No minimum	0.26 hectares	No
30.3.2	Front Yard (min)	15 m	As required	No
30.3.3	All other yards (min)	7.5 m	As required	No
30.3.4	Lot Coverage (max)	35%	As required	No
31.3.5	Landscaped Open Space (min)	35%	As required	No
31.3.6	Height (max)	10 m	As required	No
31.4	General Provisions	Per Section 4 and 5	As required	No
4.25.2.i	Floodplain Setback (min)	15 m	As required	No
4.25.2.i	High Water Mark Setback (min)	30 m	As required	No
4.25.2.ii	Floodplain & High Water Mark Setback Exception	Unenclosed deck, driveway, boathouse, dock, shore well, or other marine facility	As required	No

SECTION	ZONE PROVISION	REQUIRED	PROPOSED	RELIEF REQUIRED
		permitted within 15m of Floodplain or 30m of High Water Mark but only with approval form QC.		
4.25.7	ROW Setback (min)	7.5 m	As required	No

The proposed modification to the existing site-specific Limited Service Residential (LSR-7) zoning for the subject lands reflects the proposed subdivision lot fabric and implements appropriate standards for the development of the lands, including minimum waterbody setbacks. The Zoning By-law Amendment will also amend the existing zone boundaries to reflect the proposed residential lot boundaries, the proposed Open Space block (to be zoned OS) and the wetland boundary.

The requested zoning by-law amendment is consistent with the intent of the Provincial Policy Statement, conforms to the policies of the Official Plan, as proposed to be amended, and constitutes good land use planning.

8 Summary and Conclusion

The Draft Plan of Subdivision, Draft Plan of Condominium, Official Plan and Zoning By-law Amendment applications seek to permit the development of the subject lands with a 16-lot residential subdivision, including an open space parkland block and a private condominium road. The Official Plan Amendment application will allow the development of a subdivision on a private condo road, and the Zoning By-law Amendment application will amend the existing zone boundaries, place the proposed parkland block in the Open Space (OS) Zone, ensure that the wetland is appropriately zoned, and modify the existing site-specific Limited Service Residential LSR-7 Zone to align with the proposed lots.

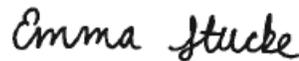
The subject applications conform with the policies of the in-force 1998 County of Prince Edward Official Plan, as proposed to be amended, and are consistent with the policies of the 2020 Provincial Policy Statement as outlined in this Report. Based on our analysis and that of the supporting studies, it is our professional opinion that the development proposed through these applications is appropriate and constitutes good land use planning.

Should there be any questions or clarification required, do not hesitate to contact the undersigned.

Sincerely,
IBI Group



Mark Touw, MCIP, RPP
 Associate Director



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 Planner