

**FOTENN**

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**70 Pleasant Bay Road**

Justification Report

Zoning By-law Amendment and Consent to Sever

April 24, 2023

Prepared for  
Brauer Homes

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April 2023

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# 1.0 Introduction

## 1.1 Introduction

Fotenn Planning + Design has been retained by Brauer Homes to prepare this planning justification report in support of an application for a Zoning By-law Amendment at 70 Pleasant Bay Road (“the site”) in Prince Edward County (“the County”). The site has a total area of 1.79 hectares (4.4 acres). The purpose of this application is to permit the development of two single detached dwellings on the currently vacant site, which is intended to be severed into two separate lots. Each lot will feature a private driveway, a well, and septic. An associated consent application is submitted concurrently.

A pre-application meeting has been conducted with municipal staff which identified the application requirements. Additional consultation has occurred with staff through several meetings and instances of correspondence to confirm requirements.

Accordingly, the following are submitted in support of the application:

- / Survey Plan;
- / Floor Plans and Architectural Elevations;
- / Environmental Impact Study;
- / Traffic Sightline Review;
- / Stage 1 & 2 Archaeological Assessment;
- / Hydrogeological Study;
- / Minimum Distance Separation Study;
- / Application fee(s);
- / Completed Application forms; and,
- / This Planning Rationale.

The purpose of this report is to assess the appropriateness of the proposed development and the requested amendment in the context of the surrounding land uses and policy and regulatory framework applicable to the property.

## 1.2 Development Applications

The site is designated Shore Land and Environmental Protection Area – Provincially Significant Wetland (PSW), as demonstrated on Schedule A-3: Land Use Designations of the Official Plan of Prince Edward County. The site is zoned Rural Residential Zone 2 (RR2) and Environmental Protection – Provincially Significant Wetland (EP-W) in the Prince Edward County Comprehensive Zoning By-law 1816-2006.

A zoning by-law amendment is required to set appropriate development standards for the proposed development. The applicant is proposing to rezone the lands from the RR2 Zone to the Rural Residential 1 (RR1) Zone to reflect the smaller lot area and frontages proposed, as well as to align with the zoning of the immediately surrounding lands. The rezoning application also reflects the defined boundary of the EP-W Zone based on the findings of the supporting Environmental Impact Statement (EIS), which are demonstrated in the EIS report and by the survey plan.

An application for consent to sever is also submitted with the zoning by-law amendment application to permit the creation of the proposed severed and retained lots.

## Surrounding Area and Site Context

The site is located at 70 Pleasant Bay Road. The site is bound by residential development to the north and west, with a mix of rural and agricultural uses surrounding the site on all sides. The site also abuts the environmental protection area associated with Pleasant Bay. The site is currently undeveloped.

The surrounding area is comprised of rural residential dwellings, waterfront residential dwellings, and agricultural uses. The site is within 1.5 kilometres of the Hamlet of Hillier and is less than 5 kilometres to the Village of Consecon.

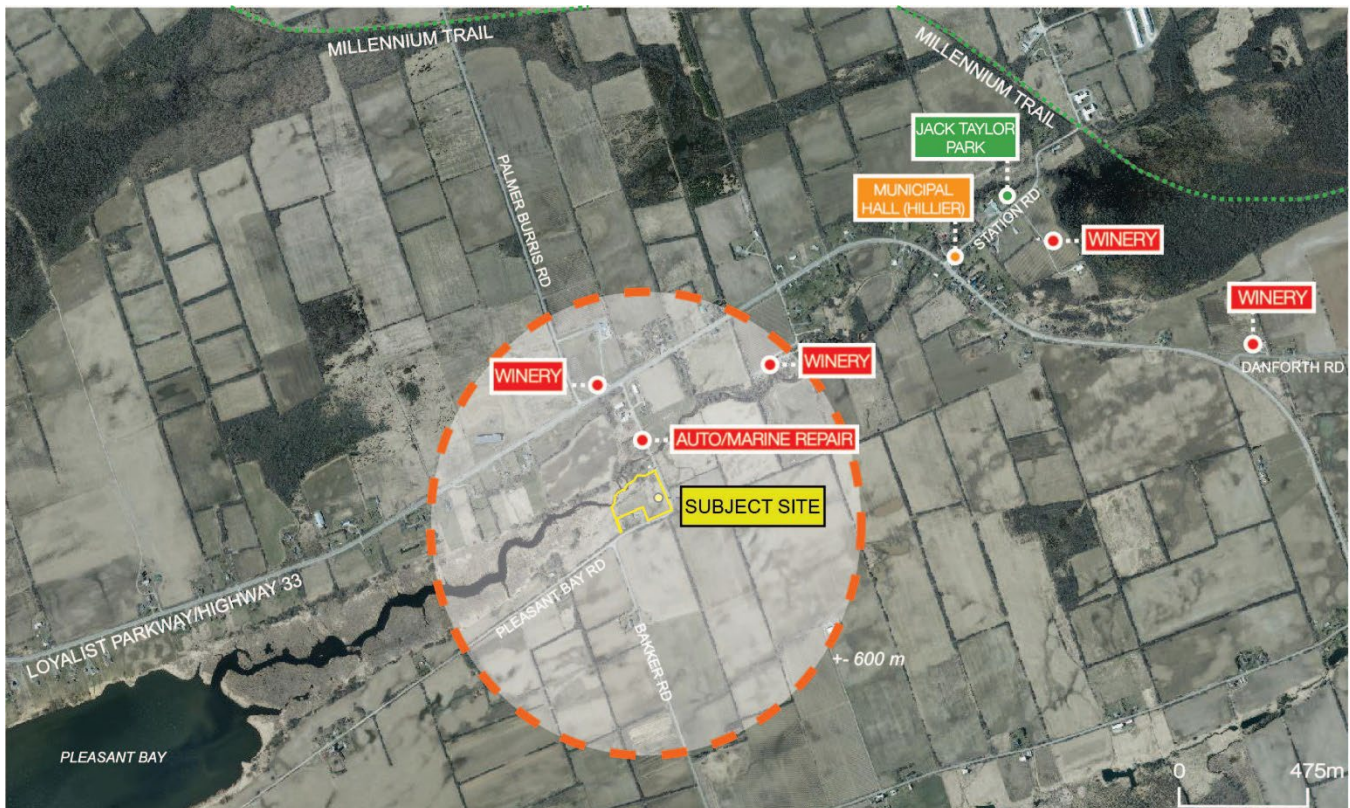


Figure 1: Surrounding Area Context – Aerial (Source: AgMaps, annotated by Fotenn Planning + Design)

In summary, the following uses are located in immediately adjacent to the site:

**North:** Rural residential, environmental protection, and agricultural

**East:** Agricultural

**South:** Agricultural

**West:** Rural residential and environmental protection

Vehicular access to the site is available via Pleasant Bay Road. There are no sidewalks present on Pleasant Bay Road or in the surrounding area which is in keeping with the rural nature of the neighbourhood. The Millennium Trail multi-use pathway system that traverses the County is located north and east of the site. The closest Trail crossings to the site are at Palmer Burris Road and Station Road – both less than 2 kilometres from the property. Quinte Transit offers a County Transit service throughout the County, with on-demand stops located in Hillier and Consecon. The on-demand service connects the nearby Hamlet and Village to other urban areas in the municipality along Loyalist Parkway, Highway 62, and County Road 3, such as Wellington, Bloomfield, and Picton, as well as the urban centres of Trenton and Belleville.



Figure 2: Site Context – Aerial (Source: AgMaps, annotated by Fotenn Planning + Design)

# Development Proposal

The site is proposed to be severed into two lots – one severed and one retained. A single detached dwelling is proposed on each lot. The severed lot is proposed to have an area of 4981.6 square metres (0.49 hectares, 1.2 acres), while the retained lot will have an area exceeding 13 000 square metres (1.3 hectares, 3.2 acres). There are two wells present on the site, one being located on the proposed retained lands and the other being located on the proposed severed lands. Access to the site is provided via a driveway on the proposed retained lands. Private septic systems are proposed for both properties, and a new driveway will be developed on the severed lot in accordance with the recommendations of the sightline review conducted by Three Hills Engineering Ltd.

The dwelling on the severed lot is proposed to be a two-storey, 3-bedroom house with an attached two-car garage. The dwelling on the retained lot is proposed to be a slab-on-grade one-storey dwelling with 3-4 bedrooms and a three-car garage. Preliminary building envelopes and floorplans are provided herein and have been submitted with this application.

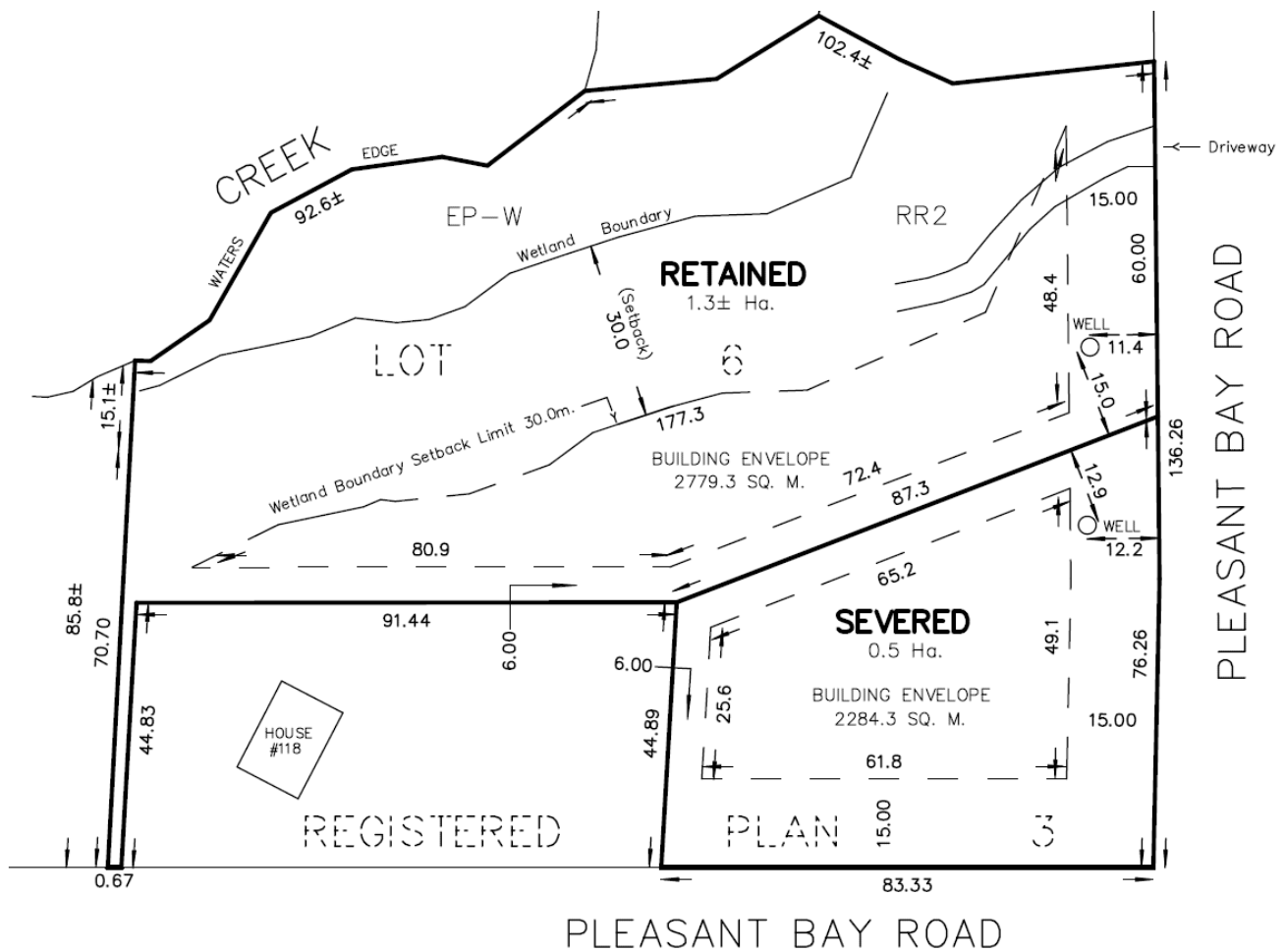


Figure 3: Proposed Severance Plan (Source: Watson Land Surveyors Ltd.)



Figure 4: Front Elevation for Dwelling on Severed Lot (Source: Brauer Homes)



Figure 5: Rear Elevation for Dwelling on Severed Lot (Source: Brauer Homes)



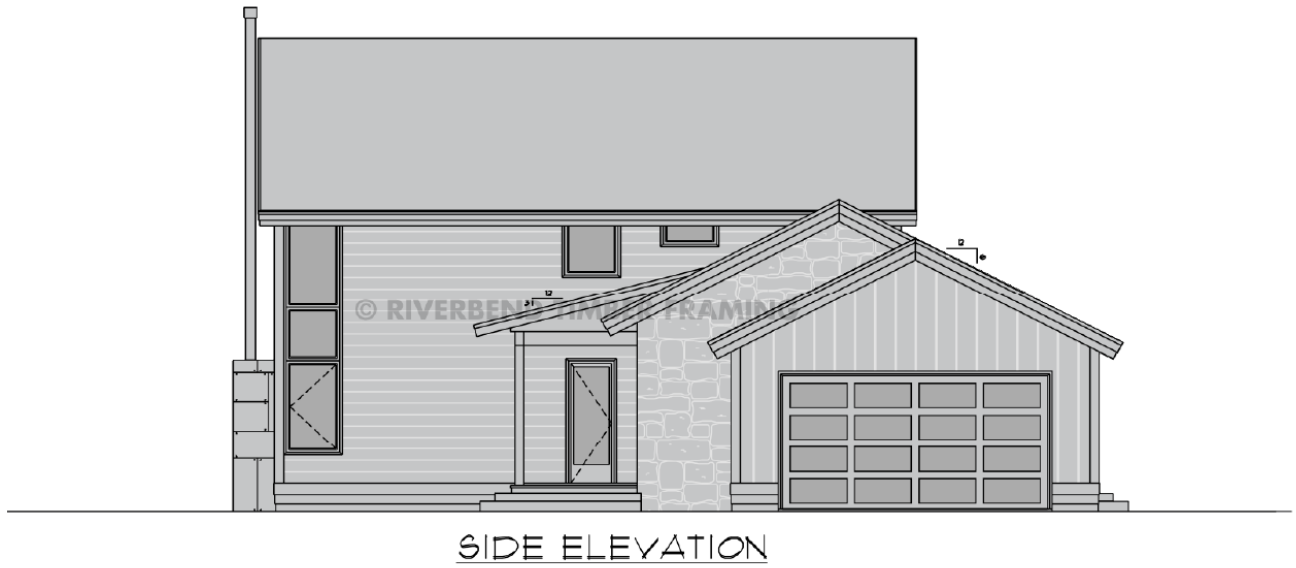


Figure 6: Side Elevation for Dwelling on Severed Lot (Source: Brauer Homes)

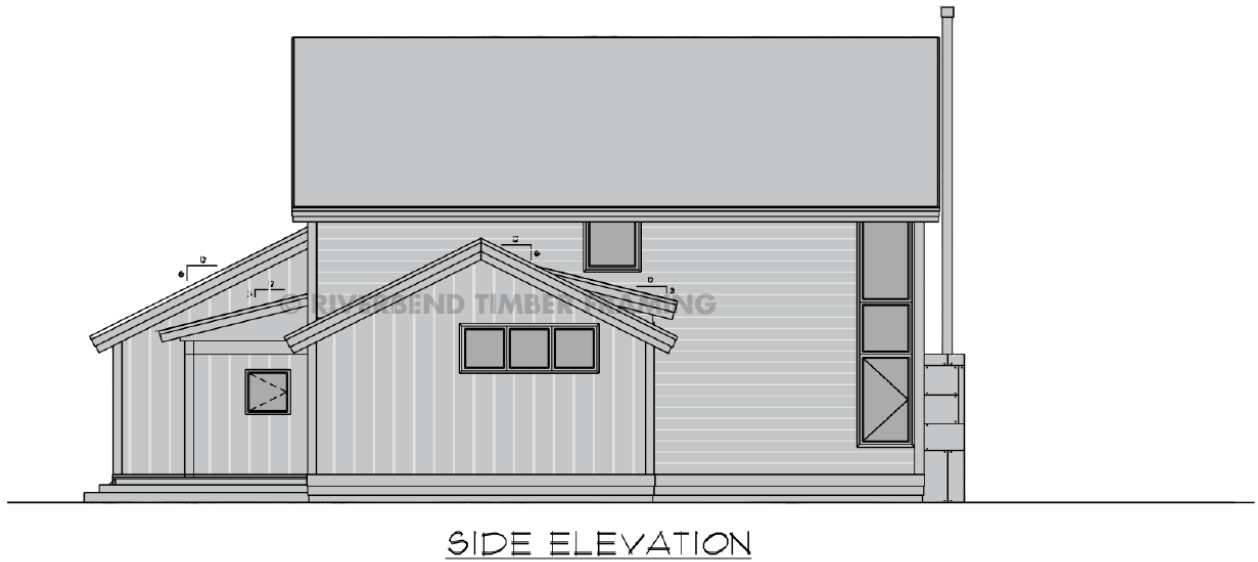


Figure 7: Side Elevation for Dwelling on Severed Lot (Source: Brauer Homes)

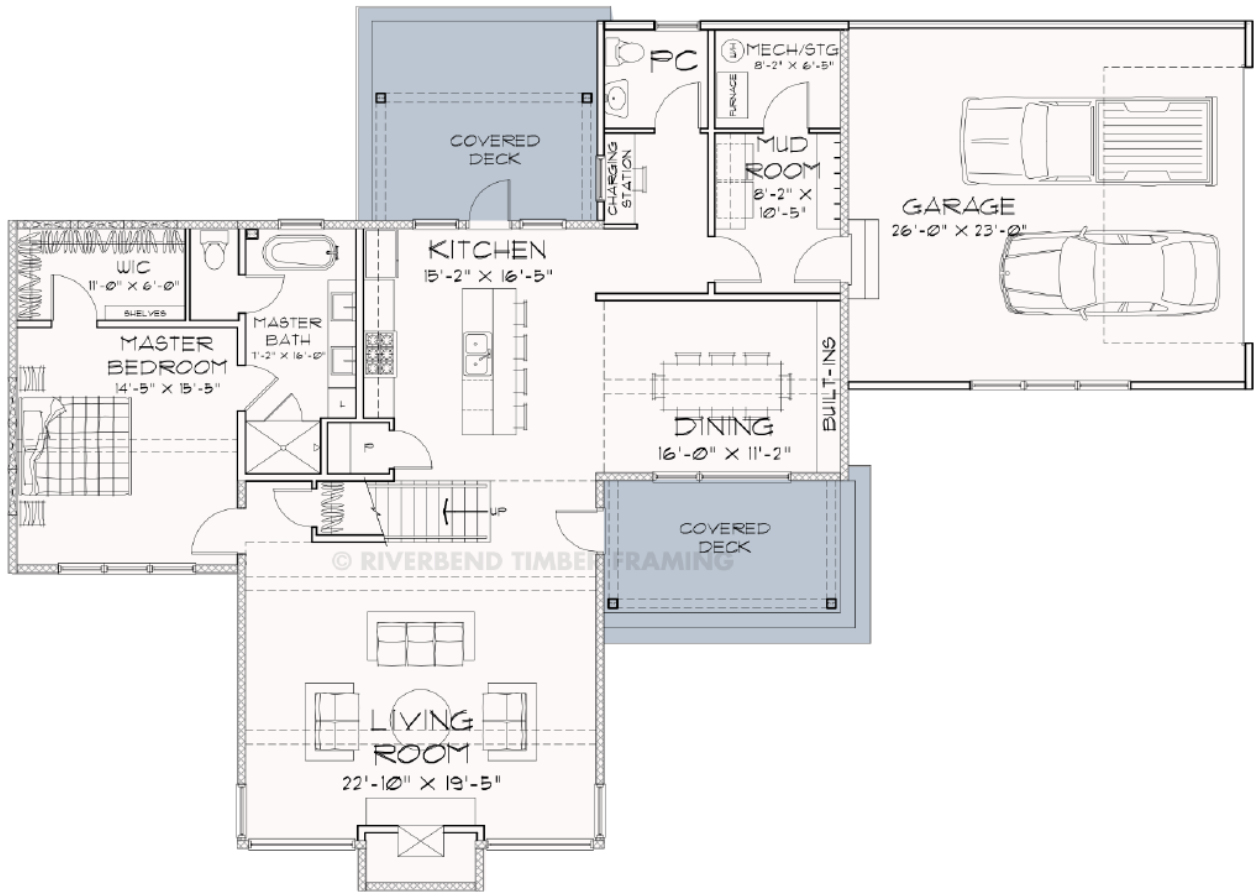


Figure 8: Ground Floorplan for Dwelling on Severed Lot (Source: Brauer Homes)

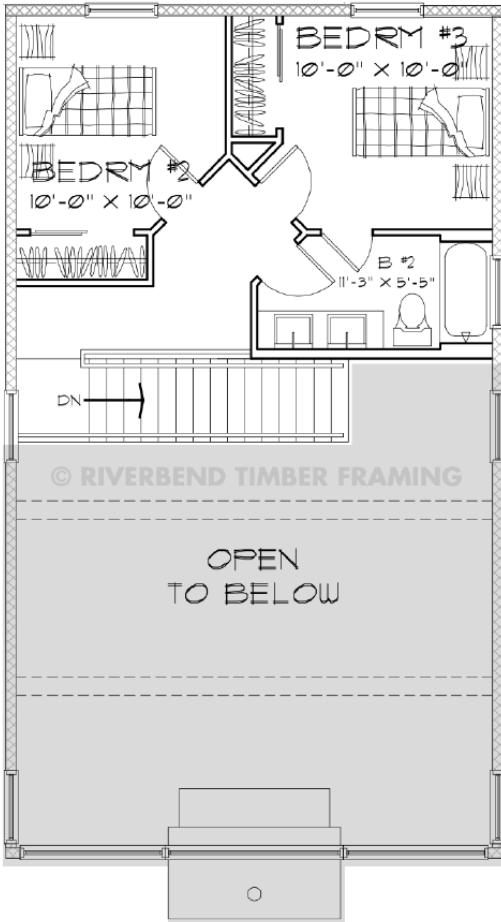


Figure 9: Second Storey Floorplan for Dwelling on Severed Lot (Source: Brauer Homes)



Figure 10: Front Elevation for Dwelling on Retained Lot (Source: Brauer Homes)



Figure 11: Rear Elevation for Dwelling on Retained Lot (Source: Brauer Homes)



Figure 12: Floorplan for Dwelling on Retained Lot (Source: Brauer Homes)

## 4.0 Supporting Studies

### 4.1 Environmental Impact Study

The site is partially zoned EP-W. These EP-W zoned lands are representative of the Provincially Significant Wetland associated with Pleasant Bay west of the site. The PPS requires that lands proposed for development that are within 120 m of a PSW must be evaluated by an EIS to address potential negative impacts to natural heritage features. Thus, Cambium Inc. was retained to conduct an EIS to evaluate the environmental impact of the proposed development.

The EIS was completed in May 2022 after a review of the applicable policy and regulatory framework, a desktop review, and a site visit, which was conducted on October 14, 2021. During the field investigation, five naturally occurring vegetation communities were identified on the site – three being terrestrial, and two being wetland (cattail marsh and deciduous swamp). The site does not provide habitat for grassland bird habitat as a result of the smaller meadow community (compared to the preferable meadow habitat located on nearby agricultural lands). The proximity to the open water in the nearby cattail marsh area suggests that the site may provide potential habitat for snakes and turtles. The turtle species that may utilize the site for nesting habitat generally stay within 30 metres of their permanent habitat. However, turtles or signs of turtle nesting were not identified during the field investigation.

The Natural Heritage Reference Manual recommends that a significant wildlife habitat (SWH) assessment be conducted for the division of lands outside of a settlement area boundary when the creation of three or more lots is proposed. As the creation of only one additional lot is being sought through this application, the development does not meet the threshold to require a SWH assessment, and one was not conducted.

The field investigation confirmed that the boundary of the mapped wetland was aligned with the actual boundary of the wetland. Based on the findings related to vegetation community type, the species that frequent these community types and their behaviour, the proximity and topographical deference of the proposed development to each community type, and the nature of the proposed development, Cambium recommends a 30 metre development setback from the PSW on the site. The 30 metre setback between the development and the PSW should remain a “cultural thicket” (i.e. it should not be mowed or cleared) and no vegetation should be removed within this area. Other recommended mitigation measures include the erection of perimeter sediment fencing around construction areas, and directing eavestrough downspouts towards vegetated surfaces to increase permeation and decrease run-off. Fencing will aid in the protection of any potential turtle habitat. The removal of vegetation should occur outside of breeding bird season (April 15-August 15).

The application of Cambium’s recommended mitigation measures will contribute to the sufficiency of the recommended 30 metre development setback from the PSW. With adherence to these mitigation measures, negative impacts are not anticipated to occur as a result of this proposal.

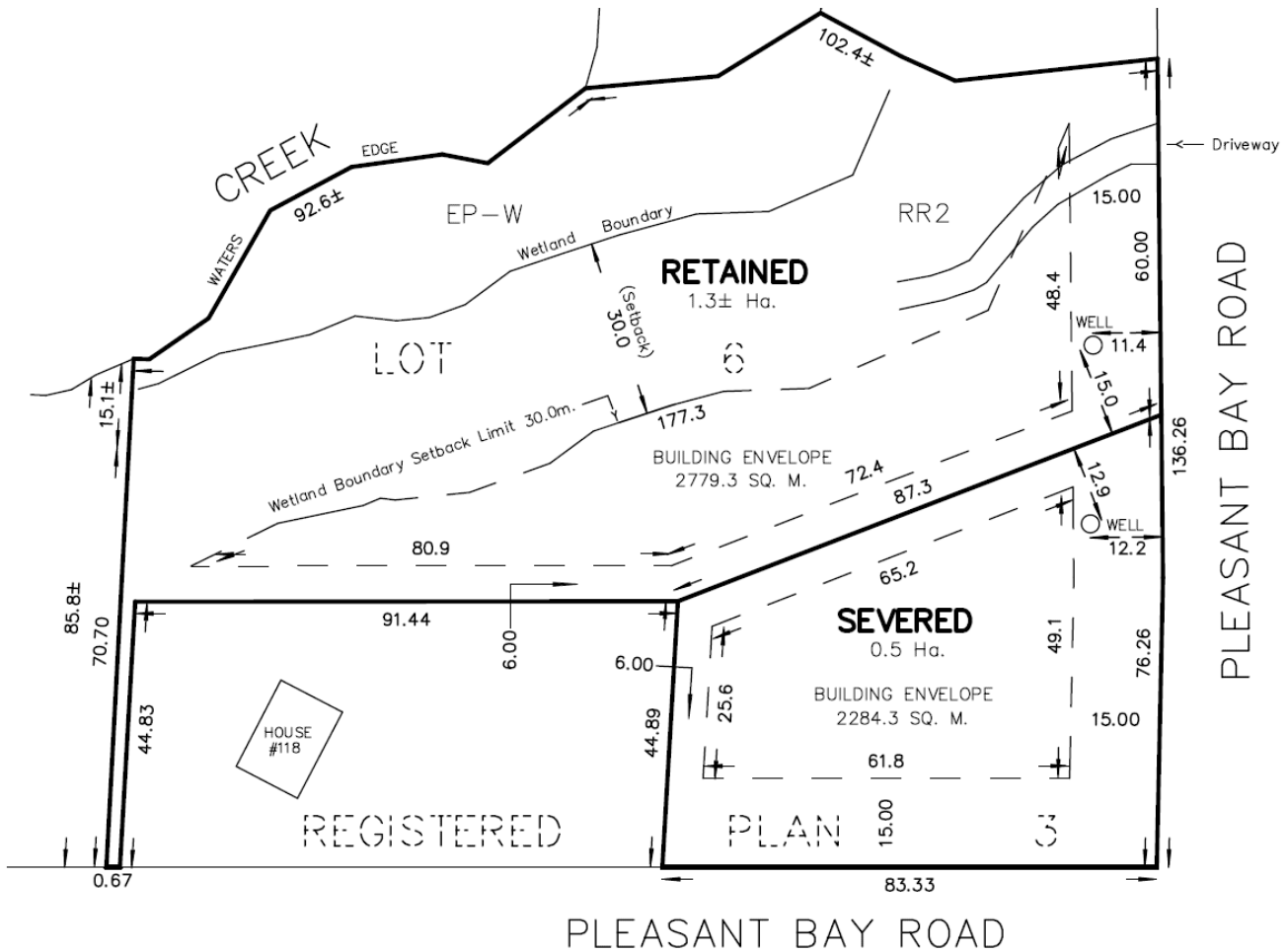


Figure 13: Severance Concept Plan with PSW boundary surveyed (Source: Watson Land Surveyors Ltd.)

### 4.2 Traffic Sightline Review

A Traffic Sightline Review was prepared by Three Hills Engineering Ltd. in September 2022. The review was undertaken to address concerns related to the proposed vehicular entrance on the southern frontage of the severed lot in between two corner turns along Pleasant Bay Road. Three Hills utilized the Transportation Association of Canada (TAC) design guidelines to confirm the appropriateness of the proposed driveway. The calculations in the review confirmed that there is sufficient space for the development of a driveway between the 60 metre sightline provided at the eastern corner of Pleasant Bay Road (marked for speeds at or under 40 kilometres per hour) and 105 metre sightline provided at the western corner of Pleasant Bay Road (marked for speeds at or under 60 kilometres per hour). Three Hills provided a diagram with the findings, demonstrating 27 metres of frontage that are suitable for the development of a new driveway for the severed lot.

### 4.3 Hydrogeological Study

Cambium Inc. was retained to conduct well testing and a hydrogeological assessment on the site to determine the viability of water servicing to support the development. Cambium tested the two dug wells on the site – one being on the proposed severed lot (PW-1) and the other being on the proposed retained lot (PW-2) – for flows, quality, bacteria, and nitrate in accordance with applicable D-Series Guidelines provided by the Ministry of Environment, Conservation and Parks (MECP). PW-1 was installed to a depth of 6.4 metres below ground surface and PW-2 was installed to 6.7 metres below ground surface.

The consultants conducted a test pit investigation in November 2021 and soil samples were extracted from pits between 1.6 and 1.8 metres below ground surface. Topsoil, sand soil, and silt/clay sediments were found. No bedrock was encountered during the investigation, however bedrock was present at 1.4 metres below ground surface (PW-2) and 2.5 metres below ground surface (PW-1) during the installation of the wells.

Flow tests were conducted in late August to account for water levels at their lowest. On August 22, 2022, PW-1 was pumped for 6 hours and did not impact the water level of PW-2 or at the well on the neighbouring property at 118 Pleasant Bay Road, which Cambium had permission to monitor. On August 23, 2022, a pump test was conducted on PW-2 over the course of 7 hours. No induction of influence occurred on the water level of PW-1 during this time (it was recovering continuously from the test that occurred the previous day) and the water level slightly increased on the well at 118 Pleasant Bay Road. Overall, no impact is anticipated on the neighbouring well at 118 Pleasant Bay Road, nor is the use of either of the wells on the site anticipated to impact the other.

The volume of water withdrawn during the pump tests was greater than required by the MECP's guidelines, which Cambium inferences may be part of the reason that the wells did not recover to 90% within 24 hours of the testing. 6342 L of water was withdrawn from PW-1, and 5500 L of water was withdrawn from PW-2. According to MECP guidelines, the total daily water withdrawal volume for each of the proposed dwellings onsite would be 2250 L per day. The projections in Cambium's report conclude that the water levels present in PW-1 and PW-2 are sufficient and sustainable for the proposed development, and suggest that their use should not impact the well at 118 Pleasant Bay Road.

Concentrations of nitrate and E.Coli were less than the criteria set by the Ontario Drinking Water Quality Standards (ODWQS). Water sampling from PW-2 demonstrated hardness above the ODWQS criteria, while results from PW-1 reported turbidity, hardness, iron, manganese, and sodium of levels above the ODWQS criteria (with sodium levels greater than the threshold for when the Medical Officer of Health should be notified). Cambium speaks to the treatability of the wells in their report, stating that the water quality of PW-2 is considered acceptable, that bacterial disinfection should be included in the treatment of PW-2, and that hardness can be treated with conventional treatment technology. Despite the seemingly high results of the testing for PW-1, this well water is also suitable once treated. The increased turbidity that occurred during testing is assumed to be the result of a lack of use of the well prior to testing. It is proposed that with further use, the well will develop fully and will not experience the same levels of turbidity in the future. If turbidity remains high, Cambium assures that filtration is an appropriate solution. Similarly, hardness, iron, and manganese can be treated with common treatment technology. In keeping with the recommendations for PW-2, bacterial disinfection is recommended on PW-1 as well. Residents of the severed lot/future users of PW-1 should be made aware of the high concentration of sodium going forward.

The nitrate impact assessment was conducted on site to determine the suitability of sustaining residential levels of on-site sewage disposal. Based on a series of calculations conducted in accordance with MECP D-series guidelines, Cambium projects that the concentration of nitrate is feasible to support both residential dwellings on the severed and retained lots.

#### 4.4 Stage 1 and 2 Archaeological Assessments

A Stage 1 Archaeological Assessment was prepared by Past Recovery Archaeological Services Inc. (PRAS) in November 2022. PRAS recounts the history of Paleo-Indigenous groups in Ontario, specifically related to the geography of the ancient Lake Algonquin and Lake Iroquois glacial lakes, the Champlain Sea, and the Ottawa River and St. Lawrence River and their tributaries. The report traces settlement patterns in eastern Ontario through this pre-contact period to the early 1600s when Europeans began arriving in the area, and discusses the evolution of the relationships between the French, English, American, and Indigenous groups resulting from conflict, alliances, and the development of Treaties. Historical context provided by an Indigenous Elder was also included in the report for a fulsome recount of the settlement in the area.

Lot 24, Concession 3 was not registered legally until the nineteenth century, long after the surrounding area was surveyed and established with agricultural, residential, and tourism uses. A grist mill was erected near the creek and some small houses were developed during the late 1800s. Save for the transfer of lands between different property owners (including for a right-of-way by the Prince Edward County Railway Co.), development of Lot 24 was stagnant from 1879-1995.

PRAS also included that:

- / No known archaeological sites are within 50 metres of the property.
- / The closest heritage building is over 9 kilometres away from the site.
- / No plaques or monuments are located within 3 kilometres of the site.
- / A Pioneer Cemetery is under 3 kilometres from the site, which is currently inactive.

As the site is within 300 metres of a primary water source, is within 300 meters of known early Euro-Canadian settlement (including the grist mill and residential structures), and is within 100 metres of a historical transportation corridor (Pleasant Bay Road was opened in the late nineteenth century), PRAS considered the site to have potential for the presence of archaeological resources (though the potential for which was reduced as a result of the site alteration that had taken place to develop the existing driveway on the site). A Stage 2 Assessment was recommended based on this potential.

Per both the County's request and as a response to the recommendations of the Stage 1 Assessment, a Stage 2 Archaeological Assessment was also conducted. AS&G Archaeological Consulting completed a Stage 2 Assessment in December 2022, which provided a similarly detailed historical review of the settlement and human activity in the surrounding area, as well as reviewed the results of test-pitting for that took place on the site over the course of two separate days in November 2022. Test pits at least 30 centimetres in diameter were dug 5 metres apart in areas that were not visibly disturbed, steeply sloped, or permanently wet. No resources were found during the test-pitting exercise. Thus, AS&G concluded that no further archaeological assessment is required.

#### 4.5 Minimum Distance Separation Study

The MDS study applies the March 2017 MDS formulae as provided in Publication 853 issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Publication 853 includes the definitions, implementation guidelines and factor tables (i.e. calculations) which collectively make up the MDS formulae referenced in the Provincial Policy Statement, as well as additional information to assist with the interpretation and application of the MDS formulae.

The factor tables or calculations are conducted using the AgriSuite software supplied by OMAFRA, while the definitions and guidelines provide necessary direction to interpret and apply the calculations.

Publication 853 provides two classes of MDS formulae: MDS I and MDS II. MDS I applies the setbacks between proposed new development and existing livestock facilities. MDS II applies to setbacks from new, enlarged or renovated livestock facilities and existing or approved development. As the creation of one new residential lot for the purposes of rural residential development is proposed, MDS I applies.

#### Requirement for MDS Setback

In accordance with Implementation Guideline (IG) #2, an MDS setback is required for proposed lot creation in accordance with IG #8 and #9. IG #8 requires an MDS I setback where lot creation is proposed, and IG #9 relates to lot creation for a residence surplus to a farming operation, which is not relevant to the site or proposal. Section 4.16 of the County Zoning By-law Number 1816-2006 includes the following general provision for MDS:

##### 4.16 Minimum Distance Separation Requirements

##### 4.16.1 New Non-Agricultural Uses

*A building permit for any non-agricultural use, shall comply with the requirements of the Minimum Distance Separation Formulae (MDS I), as amended from time to time.*

The severance of one 0.49 hectare parcel from the existing site is proposed, and the development of a single residential dwelling is proposed on each the severed and retained lots. Thus, Section 4.16.1 applies to the proposed application.

MDS I setbacks are calculated based on the nature of the proposed land use and are divided into Type A (less sensitive) and Type B (more sensitive) land uses. Type A uses are described in IG #33 and are characterized by lower density of occupancy, habitation or activity and include agriculture-related and on-farm diversified uses, industrial uses, agricultural



lot creation, residential lot creation that does not result in a concentration of four or more lots in immediate proximity, and building permits for dwellings on existing lots outside of a settlement area. Type B (more sensitive) uses are generally higher density in terms of occupancy, habitation or activity as described in IG #34 and include official plan and zoning by-law amendments to permit development excluding industrial uses or dwellings, outside of settlement areas. Though the permission for the proposed development is being sought through a zoning by-law amendment, the County has informed Fotenn that given the nature of the proposal – being limited lot creation for the development of residential dwellings outside of a settlement area, a Type A (less sensitive) land use is considered appropriate in this case.

### **Investigation Distance**

Where an MDS setback is required, it must be measured from all existing livestock facilities and anaerobic digesters that are reasonably expected to be impacted by the proposed development. IG #6 limits the investigation distance to 750 metres of a proposed Type A land use. Using aerial imagery, we identified one livestock facility within 750 metres of the site at municipal address 22 Pleasant Bay Road.

In June 2021, Watson Surveying Ltd. interviewed the property owner of 22 Pleasant Bay Road (also known as Bakker Farms). 94 large-framed deep-bedded dairy heifers located on the property at the time of the interview. This livestock count generated a setback of 167 metres from the corner of the livestock living quarters towards the site. As demonstrated by both the survey sketch provided by Watson Surveying Ltd. and Figure 13 included herein, the development on both the severed and retained lots is located outside of the MDS I setback. As such, the livestock facility located at 22 Pleasant Bay Road should have no impact on the proposed applications.

To account for potential changes to the operation since 2021, Fotenn Planning + Design also calculated an MDS setback from the barn in January 2023. Fotenn Planning + Design implemented a conservative approach in applying the “unoccupied livestock barn” descriptor to 22 Pleasant Bay Road on Agrisuite, which often generates greater setbacks than specific livestock inputs generate. This calculation rendered a setback of 179 metres, which is also visible in Figure 13. Neither setback extends onto the site. As such, the livestock facility located at 22 Pleasant Bay Road should have no impact on the proposed applications.

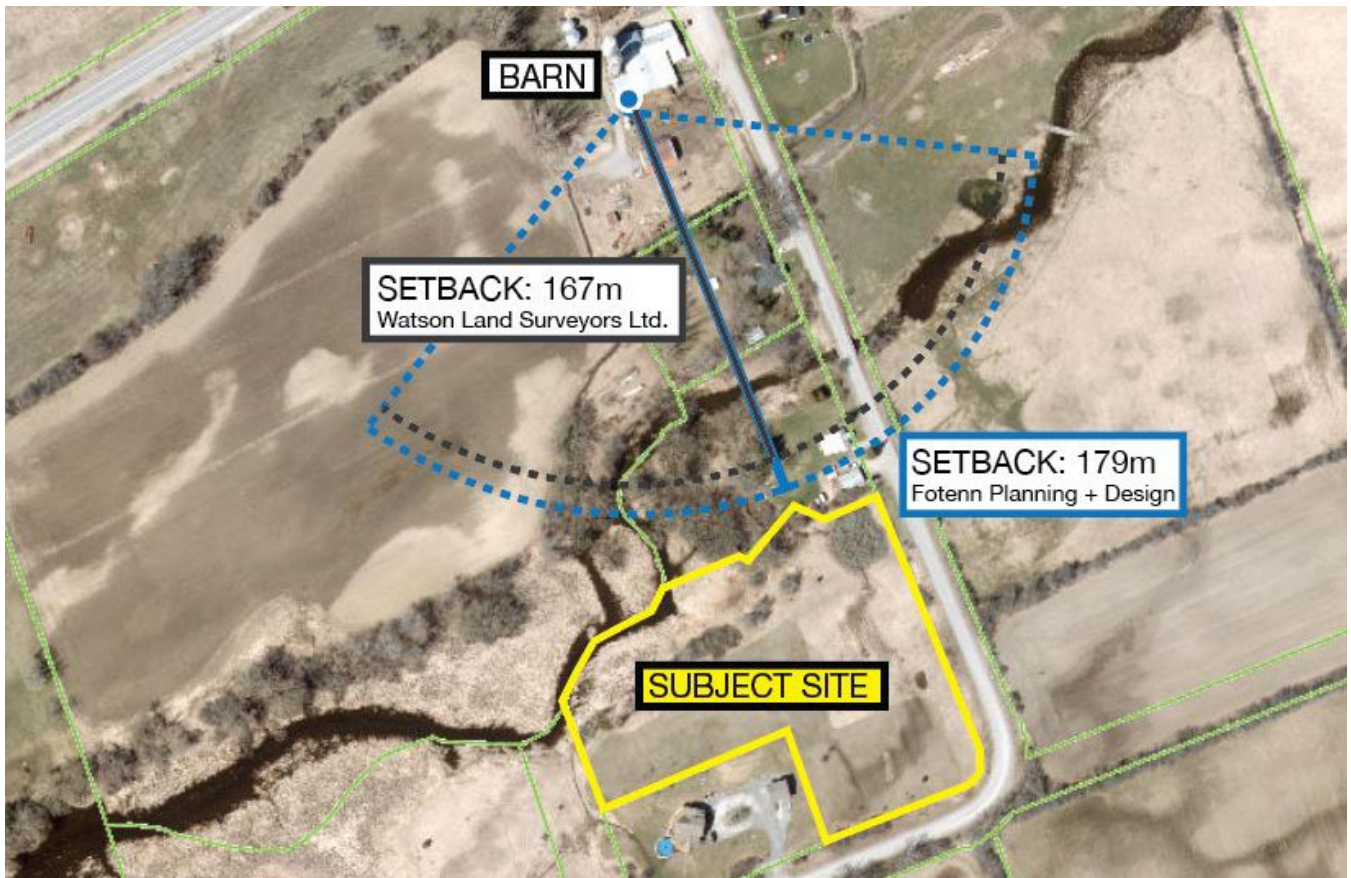


Figure 14: MDS Setbacks calculated by Watson Land Surveyors Ltd. and Fotenn Planning + Design (Source: Prince Edward County GIS, annotated by Fotenn Planning + Design)

## 5.0 Policy and Regulatory Framework

### 5.1 Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of Provincial Interest as they relate to land use planning and development in Ontario. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, supporting long-term economic prosperity, and preserving natural resources for future uses. PPS policies that are directly relevant to the proposed development are discussed below, with the policy cited in *italics*:

#### Section 1.0 – Building Strong and Healthy Communities

Section 1 of the PPS provides direction for the creation of strong and healthy communities. The efficient use of land is supported through sustainable development patterns which consider the needs of communities, the environment, public health and safety, and economic growth.

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

The proposed development will result in the creation of one severed lot for the purposes of rural residential development and is not anticipated to result in financial implications for the Province or municipality.

- 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;*

The development of a market-based single detached residential dwelling is proposed on both the severed and retained lots, contributing to the housing stock within the County.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

The application provides for a severed and retained lot that have sufficient development envelopes to support residential development on private services. The development envelopes proposed for each lot are located outside of the recommended setback from the nearby PSW and the required setback from the agricultural use located north of the site. Concerns related to traffic along Pleasant Bay resulting from this development have been addressed in accordance with the TAC Guidelines. Environmental and public health and safety concerns are not anticipated to result from this proposal.

- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

The site is located outside of the nearby settlement areas of the Hamlet of Hillier and the Village of Consecon, and does not pose a risk to expansion or the inefficient provision of services. The proposed lot fabric is representative of surrounding rural residential development within the County.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

The proposal represents minimal land development adjacent to rural amenities that the County has accordingly integrated into their growth management and land use strategies. The expansion of any municipal services are not required to

support this development. The proposed residential lots will benefit from existing public road and trail networks, as well as from the provision of on-demand transit service that runs along the nearby Loyalist Parkway.

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

A single-storey dwelling is proposed on the retained lot. The entirety of this development is proposed at-grade, providing an accessible housing option for older adults or individuals with mobility impairments.

- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

Both lots will be developed with private water and septic services. The results of the hydrogeological study do not indicate that the development of these lands will negatively impact existing surrounding land uses.

- h) *promoting development and land use patterns that conserve biodiversity; and*

Following the recommendations of the EIS, development will be setback outside of the 30 metre buffer to the adjacent PSW. Site alteration will not occur within this setback to ensure that the existing landscape can continue to provide potential habitat for vegetative and animal wetland species.

- i) *Preparing for the regional and local impacts of a changing climate.*

As the development will be setback at least 30 metres from the Pleasant Bay PSW, risks related to flooding or erosion as a result of climate change will be appropriately mitigated. The creation of one new rural residential lot is not anticipated to impact regional or local climate change issues.

Section 1.1.5 guides development on Rural Lands outside of settlement areas and prime agricultural lands. As such, the following policies of Section 1.1.5 are applicable:

*1.1.5.2 On rural lands located in municipalities, permitted uses are:*

- a) *the management or use of resources;*
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *residential development, including lot creation, that is locally appropriate;*
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *home occupations and home industries;*
- f) *cemeteries; and*
- g) *other rural land use*

The applicant is proposing to create one new lot from the rurally designated site for the purposes of developing each the severed and retained lot for residential use. The nature of development will be similar to other rural residential lots along Pleasant Bay Road and throughout the broader County.

*1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

A one-storey single-detached dwelling is proposed on the retained lot, while a two-storey single-detached dwelling is proposed on the severed lands. The proposed development will meet the provisions of the Rural Residential 1 (RR1) Zone, which is the zone that applies to the other rural residential lots directly adjacent to the site. Private water and sewage services are proposed on the site.

*1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*

The site is located on a publicly maintained road. The severed and retained lots will be privately serviced in accordance with the recommendations of the hydrogeology study prepared in support of the proposal. No inefficient expansions of services or infrastructure are required to facilitate this development.

*1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

Development will occur outside of the required minimum distance setback from applicable nearby livestock facilities.

Section 1.4 of the PPS includes policies for the provision and supply of housing. The applicant seeks to create an additional lot for the purposes of residential development and to rezone the site to support the rural residential built form proposed.

Section 1.6.6.4 states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The development proposed can be sufficiently serviced by private on-site sewage and water services with the inclusion of appropriate filtration technology.

Section 1.6.6.7 emphasizes the importance of incorporating stormwater management best practices into development. The EIS submitted with the application discusses that the flow of water across the site does not funnel towards the nearby PSW lands and therefore contaminant loads are not of concern. Impacts to the PSW can be further mitigated post-construction through the purposeful direction of stormwater to permeable surfaces (e.g. lawned areas) on each lot. The development on each lot will meet or exceed the minimum landscaped open space requirement of the RR1 Zone (30%) thereby ensuring sufficient permeable surface throughout the site. Silt fencing will also be erected prior to and during construction to reduce runoff to the PSW, per the recommendations of the EIS.

### **Section 2.0 – Wise-Use and Management of Resources**

Section 2 of the PPS gives consideration to the wise use and management of resources, which provide economic, environmental, and social benefits. This is achieved through policies which provide for the conservation of biodiversity and the protection of natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources. No negative impacts to the natural environment nor cultural heritage or archaeological resources are anticipated. An appropriate setback to the PSW has been identified through the EIS, and will conserve nearby natural features and habitat.

### **Section 3.0 – Protecting Public Health and Safety**

Section 3 of the PPS deals with protection of public health and safety. The policies in this section direct development away from naturally-occurring and human-made hazard lands, such as floodplains, erosion-prone areas, former mining and aggregate extraction operations, and other types of contaminated areas. No human-made hazards are on the site or anticipated to result from the development.

**It is our professional planning opinion that the proposed development is consistent with the 2020 Provincial Policy Statement.**

## **5.2 Prince Edward County Official Plan**

The Prince Edward County Official Plan (OP) describes goals, policies and objectives intended to guide the County's development over the 25 year planning horizon identified in the plan. The OP was adopted by County Council on February 24<sup>th</sup>, 2021, and was subsequently approved with modifications by the Ministry of Municipal Affairs' and Housing on July 7, 2021. The following sections of the OP are reviewed below:

- / Section 2: County Context and Future Direction;
- / Section 3: Shaping the County – General Development Policies;
- / Section 4: The County Land Use Designations; and
- / Section 5: The County Toolbox – Implementation Policies.

OP policies that are directly relevant to the proposed development are discussed below, with the policy cited in *italics*:

## Section 2: County Context and Future Direction

Section 2 of the OP discusses the history and evolution of the County, the present context and anticipated future of the County, and the resulting growth management approaches, objections, and policies.

Section 2.2 – Prince Edward County Today and Tomorrow states that the County is challenged with a declining and aging population. The County seeks to place great attention on providing a broad range of housing options close to community services and amenities. The proposed development will contribute to the provision of two new single detached dwelling units in a rural area of the County between a Hamlet and Village – both of which provide a variety of services and amenities.

Section 2.3.1 Principles expresses direction for supporting a broad range of land and water-based uses in the Shore Lands designation, including residential uses that can be developed sustainably with respect to adjacent water resources and shoreline features. Section 2.3.1 vii. and viii. highlight the desire for the County to be a leader in the protection of the natural heritage system and the mitigation of climate change, through the maintenance and enhancement of natural corridors and water systems, and the integration of multi-modal transportation and effective building solutions.

The site is located on Shore Lands and Environmental Protection lands outside of the settlement areas of the County, thereby being included in both the Rural Waterfront and Countryside designations. Limited residential development is proposed on the site. The proposal benefits from the amenity provided by the proximity to Pleasant Bay and the surrounding rural landscape. The proposed lots will be developed in accordance with the recommendations of supporting studies that ensure the protection of nearby natural heritage features and agricultural facilities.

Section 2.4.2 outlines the objectives that seek to support growth management in the County:

- Objective 1*     *Ensure that growth opportunities support sustainability, a strong economy and healthy, livable and strive for complete communities.*
- Objective 2*     *Promote and facilitate a full range of appropriate forms of development throughout the County.*
- Objective 3*     *Provide flexibility within the policy framework established in this Plan that allows the County to review development proposals on their merits and on a site-specific basis, but in keeping with the overall goals of the plan.*
- Objective 4*     *Accommodate an appropriate range and mix of residential and employment uses – including industrial, commercial, tourism related, agricultural, rural and institutional uses – as well as recreational and conservation uses to meet long-term needs of residents, businesses and the tourism industry.*
- Objective 5*     *Promote compatible development and land use patterns, and ensure that new development does not cause environmental or public health and safety concerns or negatively impact the agricultural community or natural heritage features and systems.*

The provision of two lots for residential development on lands designated Shore Lands and Environmental Protection is reasonable given the surrounding context, in that the nearby surrounding properties are currently developed with similar rural residential development. The continuation of the acceptable land use proposed in proximity to tourism-based industry supports healthy growth management approaches and is aligned with the objectives outlined herein.

## Section 3: Shaping the County – General Development Policies

Section 3 includes intentions, objectives, and policies related to how the County will develop over the next 25 years with respect to environmental protection, parks and trails, the economy, housing, arts and culture, and cultural heritage.

Section 3.1.3 specifies policies for how the County will incorporate environmental protection into planning decisions. Section 3.1.3. 6) b) states:

*The most typical pattern of rural development within the County, generally consisting of the creation of new residential lots through severance (consents), and their subsequent development as single-detached homes, can occur in harmony with the protection of a healthy natural environment. However, care must be taken to ensure such development is undertaken in a manner that ensures that there are no negative impacts on the natural environment;*

The proposed development fits the description of the typical rural residential development anticipated in the County. As the proposal is located within proximity of a PSW, an EIS was conducted and development was accordingly planned around the recommendations outlined in the EIS. As a result, no negative impacts to the nearby natural features are expected. No other specific environmental features are mapped by the County nor identified through the EIS on or near the site.

Section 3.1.7 identifies policies related to the network of parks and trails throughout the County. Subsection 8) includes permissions for the County to require cash in-lieu of parkland to expand parks, open space, and trails. It is anticipated that the County will require cash in-lieu of parkland for this development proposal. Section 3.1.7 continues, discussing requirements for development adjacent to the trail system in the County. The proposed development is not directly adjacent to any parks, open space, or trail lands in the County, however is within 2 kilometres of two Millennium Trail crossings. It is anticipated that the increased provision of housing near these trail crossings will contribute to increased usership of the trails as desired by the County.

Section 3.3.2 provides objectives for guiding the development of a liveable community, including housing objectives. The proposed development is aligned with the housing objectives specified in Section 3.3.2, of which refer to promoting the development of an adequate mix of housing through a range of types and tenures, and encouraging housing for seniors that can facilitate aging in place. The proposal provides for two new lots for home ownership, and the development of one fully at-grade dwelling that can meet the needs of residents who are seeking to age in place or who have mobility requirements. Section 3.3.3 provides specific policies for housing development and provision in the County. Most of the policies apply to lands within settlement areas. Policy 5) of Section 3.3.3. suggests that affordable housing is encouraged both in and outside of settlement areas, and is anticipated to be provided in the rural areas of the County by way of additional residential unit or garden suite. Neither additional residential units or garden suites are proposed as part of this development.

Section 3.3.2 also includes objectives for guiding the “County Design”, while Section 3.3.7 outlines specific policies. Applicable County Design policies are reviewed herein:

- 1) *Development patterns and the detailed design of the public and private realm throughout the County shall contribute positively towards the quality of place experience that has attracted residents, visitors and businesses to Prince Edward County, to ensure the County remains an attractive place to live, work and play in the decades to come.*
- 2) *Development patterns and the detailed design of the public and private realm throughout the County will support the creation of healthy, complete and accessible communities for people of all ages. This includes providing safe pedestrian and cycling facilities, and convenient access to fresh food, other goods, services and amenities in proximity to where people live and work.*
- 3) *The principle of compatible development will be applied to all applications for development to ensure the sensitive integration of new development with existing built forms and landscapes in a way that contributes to the character of the local area and enhances the image and character of the County.*
- 4) *Within the framework of compatible development, the County shall support and encourage contemporary architecture and design approaches that interpret and enrich living culture. Particular attention shall be paid to the following design considerations when evaluating any application for development:*
  - a) *building height will generally be compatible with the prevailing building heights in proximity to the development;*
  - b) *building massing will be compatible with the prevailing forms of the surrounding buildings with respect to the visible volume and scale of the building from the street;*
  - c) *the siting, scale and massing will not interfere with the provision of adequate privacy conditions for adjacent residential buildings and their outdoor amenity areas;*
  - d) *the siting, building design and landscape design will protect and enhance cultural and natural heritage features on or adjacent to the development site; and*
  - e) *buildings will be oriented to the street with setbacks that are consistent with other buildings in the area.*

- 5) *New development may deviate from the prevailing quality and/or character of the existing development where doing so will make an enhancing contribution to the unique quality of place and character of the County.*

The proposed development will reflect the existing rural residential land use pattern and design standard that is present immediately surrounding the site, and that is known and recognized throughout the County's rural context. The proposed severed and retained lots will meet the minimum lot area and frontage requirements of the RR1 Zone, which the neighbouring properties surrounding the site are also zoned. The dwellings proposed are contemporary in nature though still compatible in the rural context. A variety of materials reminiscent of the rural environment (wood, stone, neutral colours, etc.) will be utilized in the construction of the houses to provide for interesting yet compatible design. One at-grade dwelling is proposed, while another two-storey dwelling is proposed. Both houses will contain attached garages and will be landscaped to provide privacy, permeable surface for stormwater uptake, and high quality aesthetic value. The dwellings will be oriented towards Pleasant Bay Road, with windowed facades that face towards the north and west edges of the properties to capture views of Pleasant Bay. The site will provide access to natural amenity through its proximity to Pleasant Bay and multiple accesses to the Millennium trail, as well as commercial and institutional amenity as a result of its position between Consecon and Hillier.

The General Development policies for Shaping the County also provide direction for the provision of Water and Sanitation Services under the *Infrastructure* umbrella. Specific policies address development in the Shore Lands:

**3.4.3.5 Servicing Policies for Rural Lands, Agricultural areas and Shore Lands**

- 1) *On Rural Lands, the Agricultural areas, and Shore Lands, the Municipality may permit individual on-site sewage services and individual on-site water services, only where municipal sewage services and/or municipal water services are not provided.*

**3.4.3.6 Individual on-site water services and on-site sewage services Policies**

- 1) *Individual on-site sewage services and individual on-site water services may only be permitted where site conditions are suitable for the long-term provision of such services with no negative impacts. In addition, these services may only be used for infilling and minor rounding out of existing development.*
- 2) *Development that involves 5 or more residential units, or equivalent, within approximately a 5-hectare area, shall only be given consideration when subject to a hydrogeological study that indicates no negative impact upon the groundwater from the development*
- 3) *For individual on-site water services, a groundwater source will be provided of a type and construction that will supply adequate water for domestic use. The developer/ homeowner is responsible for ensuring that health-related water quality parameters established in the Ontario Drinking Water Objectives are met.*
- 4) *When a water source is confirmed for all newly created lots, the licensed well driller or installer must sign a letter of compliance which would confirm that the water source was constructed and that the water sample which has been collected for testing was taken from the subject water source on the property.*
- 5) *For any private sewage treatment system, all requirements of the Municipality shall be met, including the required permits necessary for all existing or newly created lots to be serviced with individual private sewage treatment systems.*

Residential development on both the proposed severed and retained lots will be supported by individual on-site water and sewage services. The site is not in a serviced area, and the limited scale of development proposed would not constitute the development of communal services. The findings of the hydrogeological study conducted by Cambium are supportive of the proposed servicing solutions. Permits for the individual services will be applied for following the approval of the rezoning and consent applications.

Section 3.4.4 provides policies for Stormwater Management practices in the County:

- 3) *In the Rural Lands, Agricultural areas and Shore Lands, best practices including Low Impact Development (LID) for stormwater management will be encouraged, including the use of tree cover and natural vegetation and other permeable surfacing that reduces run off and facilitates groundwater recharge. Grading and drainage shall also mitigate to erosion and siltation that occurs with stormwater management.*



Appropriate landscaping and maintenance of natural vegetation will be incorporated into the development of each proposed lot. Per the recommendations of the EIS, no site alteration will occur within the 30 metre setback to the adjacent PSW. Additionally, stormwater flows from eavestroughs will be directed to permeable lawn surface onsite, and silt fences will be erected throughout the construction period to reduce impacts of stormwater runoff on the natural environment.

Section 3.4.5 Transportation Policies guides development with relation to the defined transportation hierarchy in the OP. The functional highway classification system and associated policies of this Plan includes Provincial Highways, County Highways, The Loyalist Parkway, County Roads, and Local Roads. The site is located on a local road. Section 3.4.5 20) states that non-farm residential uses shall be encouraged to obtain access from local roads. Subsection 26) clarifies that entrances onto roadways must not compromise public safety or roadway function. The sightline review prepared by Three Hills Engineering confirms the likelihood of safe ingress and egress from the proposed severed lot onto Pleasant Bay Road. It is understood that the approval of an entrance permit is required to develop a new driveway.

The OP also includes *Policies for Demand Management, Public Transit & Active transportation* in Section 3.4.5.1. In this Section, the County highlights its provision of rural public transit options. The site is located between a Village and a Hamlet, and benefits from nearby on-demand transit stop locations. The development of two rural residential dwelling units would add to the potential ridership pool of the transit services offered in the County. Additionally, the provision of residential development on this site adds to usership of nearby parklands such as Millennium Trail and Jack Taylor Park.

#### **Section 4: The County Land Use Designations**

Section 4.3 addresses the policies applicable to Rural Waterfront land use designation, which comprises of those lands designated Shore Lands and Open Space Lands. The site is designated Shore Lands.

Section 4.3.1 states that lands designated Shore Lands shall be publicly and privately accessible, and will include innovative development that protects and conserves the natural environment. Section 4.3.1 recognizes that infill and intensification is expected to occur on Shore Lands. It is an objective of the OP to protect, conserve, and enhance the quality of the natural environment present on Shore Lands, while balancing the recreational resource that the shore provides with the protection of these natural features. The OP also recognizes the interface between the Shore Lands and Rural Lands in the County, which is particularly present on this site.

The policies of the Shore Lands designation are as follows:

##### *4.3.1.2 Policies*

##### *1) The following uses may be permitted within this designation:*

- a) Low density residential uses, limited to single-detached dwellings which may include second units and garden suites;*
- b) Private and public open spaces and Open Space;*
- c) Existing agricultural, agriculture-related and on-farm diversified uses and expansions thereof;  
and*
- d) Public uses and public and private utilities.*

The development of a single-detached dwelling on each of the severed and retained lots that are characteristic of surrounding development is proposed. This development is permitted in the Shore Lands designation.

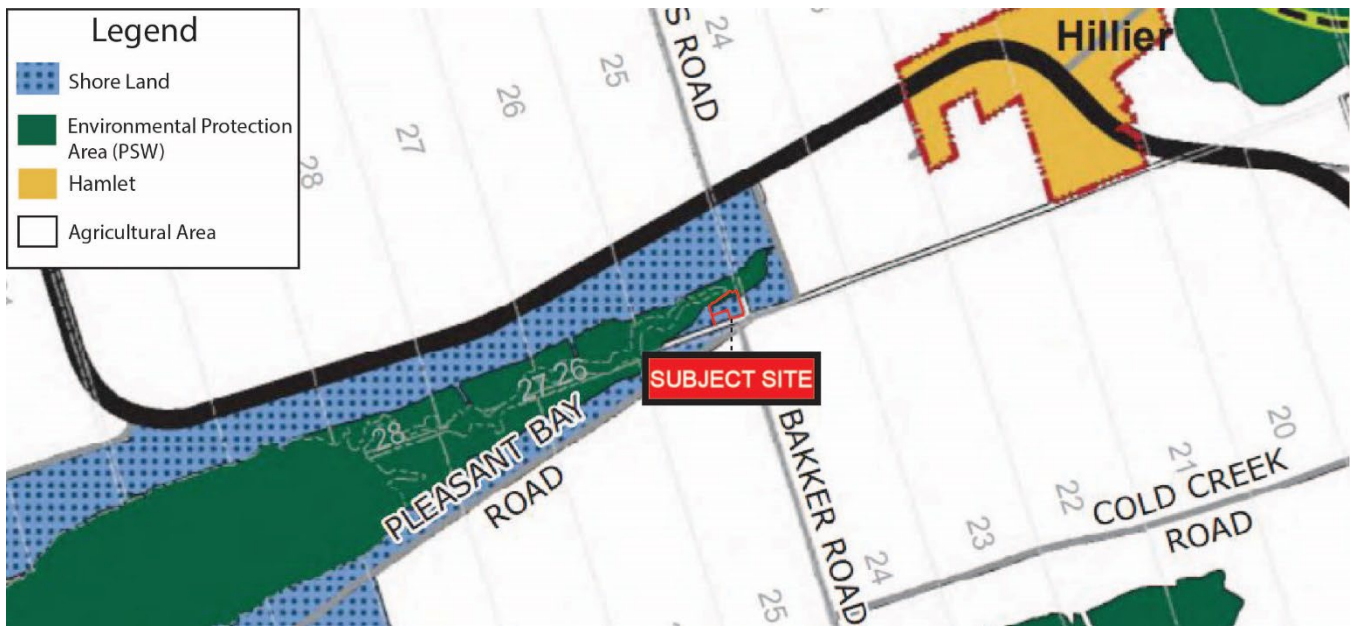


Figure 15: Schedule A-3 Land Use Designations (Source: Prince Edward County, annotated by Fotenn Planning + Design)

4) *The Shore Lands designation generally reflects the physical limits of the existing shoreline community. The shoreline community functions as a series of existing residential neighbourhoods, resort commercial activities and parks, open space and conservation uses, all touching on and focused on the adjacent lakes. In addition, the boundaries generally reflect areas that are physically or functionally related to the shoreline areas of the County.*

The site is east of Pleasant Bay and contains PSW lands that have resulted from this proximity. The extent of the Shore Lands designation related to Pleasant Bay is limited to the properties directly surrounding the site. Schedule A-3 demonstrates the interface between the agricultural area, rural lands, and shore lands as described in Section 4.3.1. The properties directly surrounding the site are rural residential and agricultural in nature, as anticipated by the OP.

5) *Shore Lands are identified on Schedule 'A': Land Use Designations and include those public and private lands that abut or are islands in the lakes in or adjacent to the County, which are either developed or potentially available for development, and which are not constrained by significant natural features and their ecological functions, or constrained by poor access or proximity to incompatible uses. Given the historical nature of this designation and availability of more up to date environmental information, Council shall undertake a review of the Shore Lands designation to determine if this designation is needed and/or which lands are best suited for this designation. Shore Lands boundaries identified on Schedule 'A': Land Use Designations are approximate and may be extended without amendment to this Plan if a development proposal includes additional lands beyond the identified boundary that are physically and functionally related to the shoreline and the property being developed and are not located within or adjacent to significant natural heritage features or areas.*

The proposed development is a permitted use in the Shore Lands designation. The site is partially constrained by significant wetlands, however not to the extent that their presence will preclude development. The mapping and recommendations of the EIS set specific parameters by which development can occur on the Shore Lands related to Pleasant Bay in an appropriate, non-detrimental manner.

6) *Expansion into or development that will conflict with farming operations in the Agricultural area will not be permitted.*

9) *All new development shall be required to meet the Minimum Distance Separation (MDS) Formulae established by the Province, as amended from time to time.*

The MDS study completed as part of this application demonstrates that the proposed development is outside of the required setback from the agricultural operations located at 22 Pleasant Bay Road. The rural residential development

proposed will not expand into the agricultural area nor will it impact the current or future viability of agricultural operations.

*10) All new development shall reflect, as appropriate, the Design Policies for Shore Lands outlined in Appendix C of this Plan.*

The proposal is reviewed with respect to the Design Policies for Shore Lands in a subsequent section of this report.

*11) Residential development on individual on-site water services and individual on-site sewage services shall be limited to single-detached dwellings including second units and garden suites, with a minimum lot area greater than or equal to 0.8 hectares with sufficient area to accommodate services.*

The 1.79 hectare site is proposed to be divided into two parcels comprising of 0.49 hectares and 1.3 hectares. The hydrogeological assessment completed by Cambium demonstrates that sufficient water and sewage capacity is present for each the severed and retained lots. The lots meet the minimum required area of the Rural Residential 1 Zone, and the septic systems will be located completely outside of the required setback to the PSW. Second units and garden suites are not proposed as part of this development.

Part of the site is designated Environmental Protection and is reflective of the PSW lands associated with Pleasant Bay. The Environmental Protection designation is included within the overarching Countryside Designation of the OP, which includes lands designated Rural Lands, Rural Industrial Lands, Environmental Protection, and Aggregate Resource Lands. As such, the proposal is also evaluated against the policies of the Environmental Protection designation.

#### 4.4.3.2 Policies

*1) Schedule 'A': Land Use Designations identifies the Environmental Protection designation. The Environmental Protection designation includes:*

- a) Provincially Significant Wetlands (PSW) and Provincially Significant Coastal wetlands.*
- b) Areas of Natural and Scientific Interest (ANSIs). Although the province differentiates between those which it has deemed to be of provincial significance and those which it deems to be of regional significance, the County considers all such areas to be important for the purposes of maintaining the ecological integrity of the County.*

The site is partially comprised of a PSW.

*2) Schedule 'B': Natural Features & Areas identifies boundaries of PSWs/ANSIs as well as ANSI – Candidate sites. ANSI- Candidate sites shall be reviewed for their conformity to provincial guidelines of significance, and if qualified, may be identified as Regionally or Provincially Significant ANSIs, without the need for an amendment to this Plan. Where such PSWs/ANSIs have been identified, adjacent development shall be subject to the requirements of the County, as articulated in this Plan and through consultation with Quinte Conservation.*

It is anticipated that Quinte Conservation will be circulated during the technical review of these applications.

*3) The boundaries of the Environmental Protection designation on Schedule 'A': Land Use Designations and the boundaries of the PSWs/ANSIs shown on Schedule 'B': Natural Features & Areas are generalized. Where new development is proposed within 120 metres of any identified PSW/ANSIs life science ANSIs, or within 50 metres of earth science ANSIs, more precise definition of the feature and required buffer limits will be established through the preparation of an Environmental Impact Study (EIS), subject to the approval of the County, in consultation with Quinte Conservation and any agency having jurisdiction.*

*4) The County, in partnership with the Ministry of Natural Resources and Forestry, may identify other PSWs/ANSIs it believes warrant protection from time to time, in accordance with provincial requirements.*

*5) Development shall not be permitted in the Environmental Protection designation.*

*6) Notwithstanding 5) above, no policy in this Section of this Plan is intended to limit the ability of existing agricultural uses to continue.*

*7) An Environmental Impact Study (EIS), subject to the approval of the County, in consultation with Quinte Conservation and any agency having jurisdiction, shall be prepared for any development within 120 metres of identified PSW/ANSIs or within 50 metres of earth science ANSIs.*

*8) An Environmental Impact Study (EIS), where required by policies of this Plan, shall:*

- a) *Be completed by a qualified professional environmental scientist in accordance with the Ontario Ministry of Natural Resources and Forestry's Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement (2020), as amended from time to time;*
  - b) *Address applicable matters set out in the Sample Terms of Reference for an Environmental Impact Study (EIS) as contained in Appendix B to this Plan and as may be revised without amendment to this Plan;*
  - c) *At a minimum, identify that there will be no negative impacts on the natural feature or its associated ecological functions and specify how any development activities are to be compatible with the feature;*
  - d) *Under no circumstances, provide a minimum buffer area adjacent to PSW and/or ANSIs features that is less than 30 metres; and*
  - e) *Provide that any required buffer enhances existing PSW/ANSIs values through buffer improvements.*
- 9) *An applicant shall pre-consult with the County pursuant to Section 5.1.6 of this Plan prior to commencing the Environmental Impact Study (EIS) to ensure the document will be prepared to the satisfaction of the County, Quinte Conservation, and in consultation with the Ontario Ministry of Natural Resources and Forestry, as appropriate.*
- 10) *Regardless of the scale of adjacent development activity, opportunities to improve upon PSWs/ANSIs which may have been degraded in the past, or which have insufficient natural buffers to support their full range of natural functions will be considered when development applications are reviewed.*

An EIS was conducted by Cambium with direct reference to the Natural Heritage Reference Manual and the PPS to determine the precise boundary of the PSW and appropriate setbacks from it to the development. This boundary and the applicable 30 metre development setback has been reflected on the severance plan for this development. The EIS describes the potential for proximal habitat, and how to mitigate any potential negative impacts arising from the development. A variety of mitigation measures to reduce overall impact were detailed within the EIS, including the erection of silt fencing, the retention of the 30 metre setback from all site alteration as well as construction materials, and avoiding the removal of trees and brush during nesting periods. It is the applicant's intent to abide by the recommendations of the EIS to avoid negative impacts to the PSW lands and to develop residential uses that are compatible with and respectful of the natural environment that contributes to the rural assets of the site.

Schedule B: Natural Features and Areas of the OP demonstrates that the site is included within the North Bay/Pleasant Bay/Huyck's Bay Natural Core Area overlay. The site is not within the Provincially Significant Coastal Wetland overlay however the lands west of the site are. The presence of this Provincially Significant Coastal Wetland is the reason for the site's inclusion in the Natural Core Area for Pleasant Bay. Section 4.5 of the OP includes policy directives for the Natural Core Area overlay, amongst other overlays in Schedule B. Section 4.5.3) specifies that the overlays are not land use designations, but rather "provide additional guidance for achieving attractive, healthy and sustainable development throughout the Countryside...".

Section 4.5.4 Natural Core Areas confirms that residential development is permitted on lands overlain with the Natural Core Area designation. Specifically, limited residential development via consent applications to sever land may be permitted subject to conformity with other applicable policies of the OP. The proposed development meets the general intent of the OP and is guided by the professional opinions included in the accompanying supporting studies. The OP states that the County will work with Quinte Conservation and other stakeholders to work towards gaining public ownership of prioritized lands in the Natural Core Areas. The site is in private ownership and is anticipated to remain in private ownership for the purpose of sustaining the proposed uses.

### **Section 5: The County Toolbox – Implementation Policies**

Section 5 of the OP establishes the regulatory framework and administrative processes through which the policies of the OP will be implemented. Section 5 states that the County shall:

- a) *Ensure development reflects the vision, principles, objectives and policies of this Plan, which prioritize the Prince Edward County's special quality of place, healthy communities, and sustainability of the natural, social and economic environment;*
- b) *Ensure that development is compatible with preserving the rural character of the County while facilitating a mix of land uses that meet the projected needs of the community;*

The development proposal provides for the development of two single-detached dwellings on a severed and retained lot in a rural area of the municipality that benefits from natural beauty and recreational amenity from a nearby waterbody.

The creation of the lots and the subsequent residential development contributes to the provision of housing in the County that is in keeping with the rural standard of development of which the County is recognized and desired. The development will be sustainable with respect to its lack of impact on the natural environment and its proximity to a Village, a Hamlet, and other tourism-based industry.

*c) Ensure development complies with the requirements of the Provincial Policy Statement, 2020 (PPS), and any other Provincial policies or regulations;*

The application complies with all Provincial policy and requirements, including that of the Minimum Distance Separation Formulae and the completion of a supportive EIS in proximity to a PSW. The development is aligned with the goals of the PPS in that it represents rurally appropriate development that can be sufficiently serviced and that does not impact agricultural activity nor generates hazards.

*e) Promote a partnership and coordination with Indigenous communities, with specific attention to relationship-building with our nearest First Nation and neighbours, Mohawks of the Bay of Quinte (MBQ) who are entitled to land rights within the County;*

It is anticipated that the County will circulate the development application to Indigenous communities.

Section 5.1.3 provides policies for guiding land division in the County.

*1) The Municipality shall support proposals for land division that:*

- a) Contribute positively to the Municipality's unique rural character;*
- b) Create opportunities for local economic development;*
- c) Support the fiscal well-being of the municipality;*
- d) Do not fragment the Environmental Protection designation and natural heritage features and areas; and*
- e) Where possible, incorporate features that promote environmental sustainability and healthy living.*

The severance maintains and contributes to the County's rural character and will not result in any extensions of municipal services that would impact the County's fiscal operations. The site is designated and zoned to reflect the ecological significance of the wetlands that encroach into the property boundary. The environmental protection lands have been considered and incorporated into the design and location of the residential dwellings in accordance with relevant policy and the recommendations of the EIS.

*3) The preferred form of lot creation for residential development will be by registered plan of subdivision or condominium, particularly where one or more of the following applies:*

- a) The development requires the provision of new public roads or other municipal infrastructure (including parks and other hard services);*
- b) It is necessary to ensure that the entire land holdings or area is developed in an orderly and efficient manner;*
- c) Centralized services are required, as opposed to on-site services for individual lots;*
- d) A number of studies and justification reports are required to determine the suitability of the development; or,*
- e) Long term monitoring and implementation of conditions of development are required.*

Specifically, severances are guided by the following policy framework:

*15) To avoid fragmented land patterns, a maximum of two lots (including the retained lot) may be created by consent from any land holding, subject to the applicable policies of this Plan. A land holding is defined as any property as it existed on January 23, 1998.*

*16) The creation of lots may be permitted by severance (consent) if it has been established that the development would not more appropriately proceed by way of plan of subdivision or plan of condominium.*

The applicant is seeking to create one severed and one retained lot from the site. The minimal lot creation proposed would not be more appropriately be addressed by way of a plan of subdivision or plan of condominium.

*17) New residential development created by severance (consent) is encouraged to locate in areas designated for growth, including in Settlement Areas, and particularly the Urban Centres of Picton, Wellington and Rossmore. Lot creation by severance is also permitted in the Countryside and Rural waterfront, in accordance with the policies of this Plan. Consents are typically permitted the Agricultural area for farm consolidation purposes, but must be in accordance with the policies of this Plan.*

The site is designated Shore Lands and Environmental Protection, which are respectively designations under the Countryside and Rural Waterfront designations. As such, a consent to sever the lands is permitted in principle. The development is aligned with the policy framework of the County OP and is a supportable example of residential development on such lands.

*18) Severances (consents) that would contribute to ribbon or strip development or unplanned or uneconomical extension of infrastructure between Settlement Areas shall not be approved.*

The proposed lots meet the zoning provisions of the RR1 Zone and reflect the character of surrounding development. The lots will be privately serviced and will not result in extensions of any municipal services. The site is a reasonable distance outside of settlement areas that no expansions to them could be contemplated directly as a result of this development.

*19) Applications for severances (consent) that would result in a parcel being landlocked shall not be approved.*

The severed and retained lots will both have frontage on Pleasant Bay Road and will not be landlocked.

*20) The creation of lots may be permitted by severance (consent) if the proposed and retained lots:*

- a) Front onto an open, improved public road that is maintained on a year-round basis by the Municipality;*
- b) If the intent and purpose of this plan is maintained;*
- c) Satisfy the minimum lot area requirements established for any land use/land use designation of this Plan, or any Secondary Plan;*
- d) Achieve an appropriate lot configuration that is compatible with the surrounding community character and does not restrict the development of other parcels of land;*
- e) Can be serviced by the Municipality's infrastructure without adversely affecting the Municipality's finances, or by private well and waste water disposal system where municipal services are not planned or existing; and*
- f) Can be supplied with other municipal services such as fire protection and road maintenance, without adversely affecting the Municipality's finances.*

Both the severed and retained lots are proposed to front onto Pleasant Bay Road, which is publicly maintained year-round. No extensions or changes to the provision of municipal services are anticipated to be required by this development. The hydrogeological assessment determined that each of the lots proposed are sufficient in lot area and frontage to support services on the site. The lots are similar in size and shape to surrounding and similar rural residential lots and meet the minimum lot size provisions of the zone that is being sought to be applied to the lands. The development of this site will not impact the developability of any surrounding lands.

*21) Applications for severance (consent) where any new lot is to be serviced by individual on-site water and sanitary sewage services shall only be permitted where an environmental (hydrogeological) study, prepared by a qualified engineer, can support the application.*

- a) All lots on private individual on-site water services have sufficient area and frontage to protect groundwater and surface water quality and are a minimum size of 0.80 hectares in size, or less where supported through hydrogeological, land use compatibility or other relevant studies, in accordance with the policies of this Plan*
- b) The soil and groundwater conditions are capable of supporting the necessary private potable well water system with no negative impacts on the ground or surface water system, the adjacent properties or the proposed development site to the satisfaction of the Municipality and any agency having jurisdiction; and*
- c) All lots on private individual on-site sewage services are suitable or capable of supporting an acceptable sewage disposal system with no negative impacts on this ground or surface water*

*system, the adjacent properties on the proposed development site to the satisfaction of the Municipality and any agency having jurisdiction.*

The proposed lot areas of 1.3 hectares and 0.49 hectares are supported by the findings of the hydrogeological report submitted with this application. The study determined that with appropriate filtration technology, the site is capable of supporting acceptable potable water flows for the residential development proposed on both lots, with no negative impacts to surrounding properties.

*22) The Municipality shall consider the impact of a new residential lot created by severance (consent) on the potential to expand the agricultural productivity of any adjacent agricultural lands when assessing the required Minimum Distance Separation (MDS) Formulae and the need to potentially increase it.*

An MDS Study was prepared as part of this application, which concluded that the proposed severance would not impact the operability of nearby agricultural uses.

*23) The same range of conditions of approval may apply to the creation of lots by consent as would occur by way of registered plan of subdivision, to ensure that County's growth objectives are achieved, including with respect to trails, transportation, parkland dedication and improved public access to the shoreline.*

The applicant acknowledges that conditions of approval may apply to the proposed consent.

*24) Applicants of a proposed severance (consent) may be required to prepare studies in accordance with the requirements of this Plan to assess the impacts of the proposal and any mitigation strategies.*

All required studies for the preparation of a complete application are submitted with this application and are reviewed herein.

*25) The Municipality may require as a condition of approval that an applicant enter into an agreement with the Municipality regarding such conditions as it deems appropriate, including but not limited to financial requirements, the provision of on and off-site services, strategies to mitigate environmental impacts, sustainable building and site design features, and any other site planning requirements to protect health and safety, and promote compatibility with the surrounding community character.*

The applicant understands that conditions may be required as part of the approval of this application.

Section 5.1.4 provides the County with the ability to require parkland dedication or cash-in-lieu of parkland as a condition of development. It is anticipated that cash-in-lieu of parkland will be required as part of this application.

Section 5.1.5 guides the application of the Site Plan Control process in the County, which is further implemented by the Site Plan Control by-law. The criteria in the Official Plan do not apply to the proposed development application. Furthermore, Bill 23 "More Homes Built Faster" Act, which received Royal Assent in November 2022, removes the ability for site plan control to be applied to developments of 10 residential units or less. As such, Section 5.1.5 is not applicable.

Section 5.1.6 requires that applicants consult with County staff prior to submitting a development application. Communication between County staff, the applicant, and the agent (Fotenn Planning + Design) has occurred prior to the submission of this application to ensure that the requirements for a complete application were understood and met. Section 5.1.6 also provides guidance for consulting with Indigenous communities on application submissions. Indigenous communities have not been present during the pre-consultation with County staff, however, it is anticipated that County staff will circulate Indigenous communities during the technical review of this application.

Section 5.1.7 states that the County may require proponents of significant development applications to submit and follow through with a public consultation strategy. The scale of the proposed development does not render the need for a public consultation strategy. It is anticipated that the County will conduct public consultation in accordance with the requirements of the Planning Act. The applicant and the agent will be available for public consultation.

Section 5.1.8 sets the standards for the required documents to support an application. All required documentation required by the County has been included in this application submission.

Section 5.1.9 describes the circumstances in which an EIS may be required by the municipality to form a complete application, and by which standards an EIS must be developed. The submitted EIS was prepared by professional ecologists and biologists who have concluded that the development can be completed with negligible to no impact on ecologically significant lands provided that the recommended mitigation measures are implemented, as proposed.

Section 5.2.1 provides for guidance on the Interpretation of Boundaries. Section 5.2.1 2) states that *(t)he Municipality shall determine the extent of the natural heritage features and their associated ecological functions on a site-by-site basis when considering development proposals, upon receipt of an Environmental Impact Study (EIS), in consultation with the appropriate agencies. Where the general intent of this Plan is maintained, minor adjustments to Natural Heritage System boundaries identified on the Schedules to this Plan will not require a formal Amendment.* This applicant does not seek to amend the Environmental Protection land use designation applicable to the site, rather they seek to define appropriate setbacks to the ecologically significant lands identified through the EIS.

**It is our professional planning opinion that the proposed development conforms with the policies of the County's Official Plan.**



## Current and Proposed Zoning

The site is zoned Rural Residential 2 (RR2) Zone in the Prince Edward County Comprehensive Zoning By-law 1816-2006. A zoning by-law amendment is requested to rezone the site to the Rural Residential 1 (RR1) Zone to permit the development as proposed and to describe appropriate performance standards, as well as to accurately reflect the extent of the PSW on the site. It is therefore proposed to rezone the site from the RR2 zone to the RR1 zone and EP-W zone of the County's Comprehensive Zoning By-law 1816-2006.



Figure 16: Current Zoning (Source: PEC GIS, annotated by Fotenn Planning + Design)

The compliance of the proposed development with the RR1 Zone provisions is evaluated in the following tables. These provisions are evaluated based on the assumption that a consent to sever application is approved to divide the parcels into two (based on the plan depicted in Figure 17), which are separately represented by the following charts:

**Severed Lot**

<b>Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Relief Required?</b>
<b>Rural Residential 1 (RR1) Zone – Section 16 of Comprehensive Zoning By-law 1816-2006</b>			
Permitted residential uses	<ul style="list-style-type: none"> <li>/ One single detached dwelling;</li> <li>/ Home business;</li> <li>/ Private home day care;</li> <li>/ Bed and breakfast establishment;</li> <li>/ group home;</li> <li>/ uses, buildings and structures accessory to the foregoing permitted uses; and</li> <li>/ one second unit or one garden suite</li> </ul>	One single detached dwelling	No
Min. Lot Area	0.38 ha	0.49 ha	No
Min. Lot Frontage	44.8 m	76.2 m	No
Min. Front Yard	15 m	15 m	No
Min. Exterior Side Yard	15 m	N/A	N/A
Min. Interior Side Yard	3 m	6 m	No
Min. Rear Yard	12 m	N/A	N/A
Max. Lot Coverage	30%	< 30%	No
Max. Height of Buildings	10 m	< 10 m	No
Max. # Dwelling Units per lot	2	1	No
Min. Dwelling Unit Area	90 sq m	210.9 sq m	No

**Retained Lot**

<b>Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Relief Required?</b>
<b>Rural Residential 1 (RR1) Zone – Section 16 of Comprehensive Zoning By-law 1816-2006</b>			
Permitted residential uses	<ul style="list-style-type: none"> <li>/ One single detached dwelling;</li> <li>/ Home business;</li> <li>/ Private home day care;</li> <li>/ Bed and breakfast establishment;</li> <li>/ group home;</li> <li>/ uses, buildings and structures accessory to the foregoing permitted uses; and</li> <li>/ one second unit or one garden suite</li> </ul>	One single detached dwelling	No
Min. Lot Area	0.38 ha	1.3 ha	No
Min. Lot Frontage	44.8 m	60 m	No
Min. Front Yard	15 m	15 m	No
Min. Exterior Side Yard	15 m	N/A	N/A
Min. Interior Side Yard	3 m	6 m	No
Min. Rear Yard	12 m	> 12 m	No

Provision	Requirement	Proposed	Relief Required?
Max. Lot Coverage	30%	< 30%	No
Max. Height of Buildings	10 m	< 10 m	No
Max. # Dwelling Units per lot	2	1	No
Min. Dwelling Unit Area	90 sq m	237.5 sq m	No

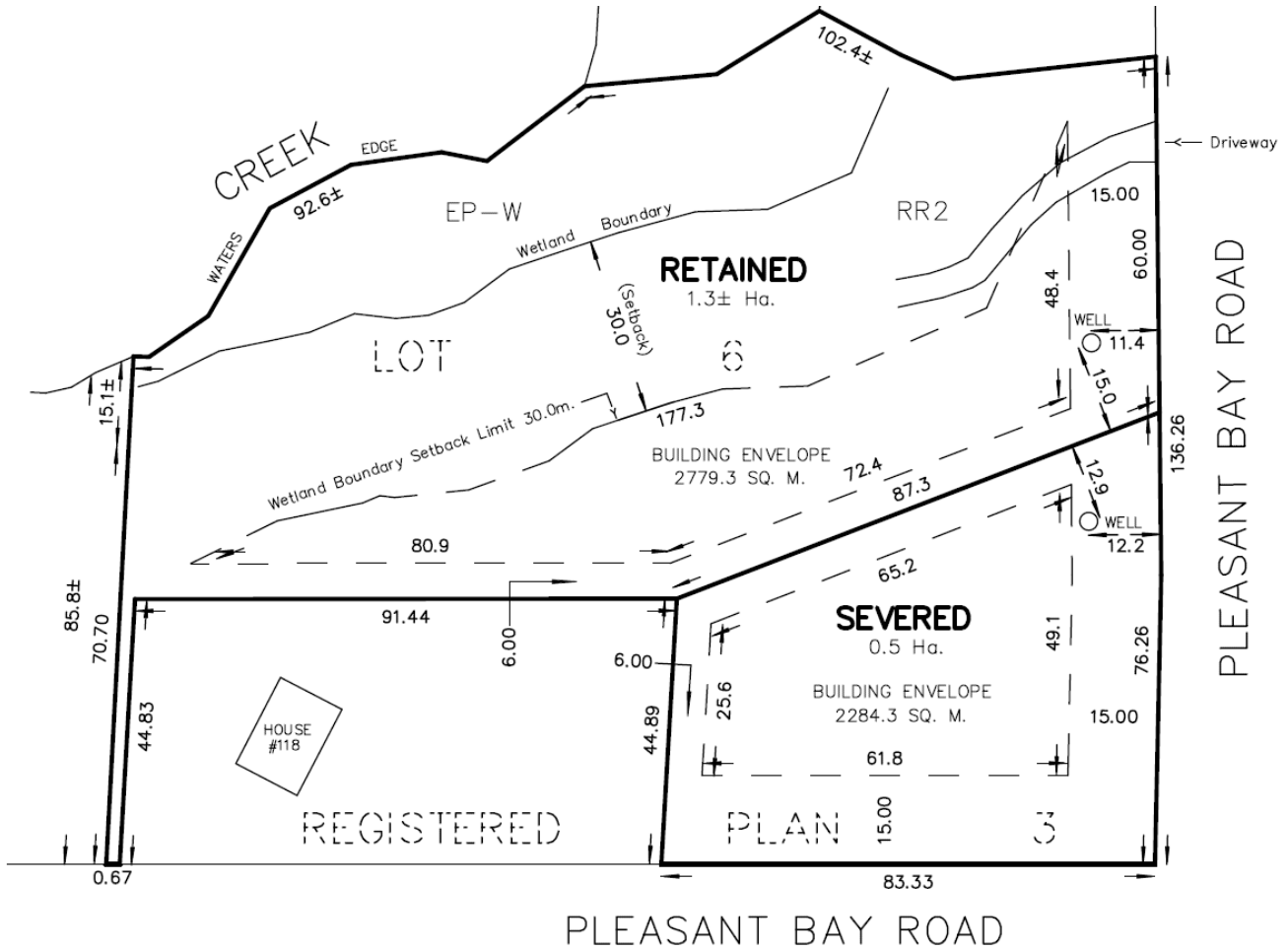


Figure 17: Severance Concept Plan with PSW boundary surveyed (Source: Watson Land Surveyors Ltd.)

## 7.0 Conclusion

The applicant is seeking the approval of a zoning by-law amendment and an application for a consent to sever the 1.79 hectare site into two lots for the purposes of rural residential development. The applicant is proposing the development of a 0.49 hectare severed lot with a two-storey residential dwelling, and the development of a 1.3 hectare retained lot with a one-storey residential dwelling. Both structures will be oriented to achieve views to the nearby Pleasant Bay waterbody, though will be sufficiently setback from the edge of the PSW associated with Pleasant Bay in accordance with the recommendations of the EIS. The proposal will provide for appropriate rural residential market-based housing in an established rural residential area of the County outside of settlement areas.

The proposed development is consistent with the Provincial Policy Statement and the Prince Edward County Official Plan. The proposed rural residential development that can be sustained by appropriate private on-site servicing and does not pose any impacts to cultural heritage resources in the County nor surrounding agricultural uses.

It is our professional opinion that the proposed applications represent good land use planning. Should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454 x 228 or at [ackroyd@fotenn.com](mailto:ackroyd@fotenn.com).

Respectfully,




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Jennifer Wood, MCIP, RPP  
Associate  
Fotenn Planning + Design

Elysia Ackroyd, MCIP, RPP  
Planner  
Fotenn Planning + Design

# Appendix A

## Zoning By-law Amendment

By-law No. XXXX-2023

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD BY-LAW NO. XX-2023

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A BY-LAW TO AMEND COUNTY COMPREHENSIVE ZONING BY-LAW NO. 1816-2006, AS AMENDED

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**WHEREAS** By-law No. 1816-2006, as amended, is the Comprehensive Zoning By-law governing the lands located within the County of Prince Edward in the Hillier Ward.

**AND WHEREAS** the Council of the Corporation of the County of Prince Edward, having received and reviewed an application to amend By-law No. 1816-2006 for the lands described as 70 Pleasant Bay Road, in the County of Prince Edward, is in agreement with the proposed changes;

**And whereas** authority is granted under Section 34 of the *Planning Act, R.S.O., 1990, c.P.13*, as amended;

**NOW THEREFORE** the Council of the Corporation of the County of Prince Edward enacts as follows:

1. **THAT Schedule “A7”** for the Ward of **Hillier** to By-law No. 1816-2006, as amended is hereby amended by changing the zone category thereon from the *Rural Residential Type 2 (RR2) Zone* to *Rural Residential 1 (RR1) Zone*, in accordance with Schedule “1” attached hereto.
2. THAT Schedule “1” attached hereto forms part of this by-law.
3. **THAT** this by-law shall come into force and take effect pursuant to the provisions and regulations made under the *Planning Act, R.S.O., 1990, c.P.13*, as amended.

Schedule 1

