



16051 Marsh Hill Road

Consent to Sever and Rezoning
Applications

PLANNING JUSTIFICATION REPORT

By

Macaulay Shiomi Howson Ltd

January 2024



1.0 Introduction

Macaulay Shiomi Howson Ltd. (MSH) has been retained by 2410626 Ontario Ltd., registered owner ("Owner") of the property located at 16051 Marsh Hill Drive (hereinafter referred to as the "Subject Site" or "Site"), in the Township of Scugog, to provide the following Planning Justification Report in support of applications for Consent to Sever and Zoning By-law amendment.

2.0 Site and Surrounding Area

The Subject Site is located at the northeast corner of Marsh Hill Road and Reach Street (Durham Regional Road 8) in the Township of Scugog; and, is legally described as:

Part of Lot 7 Concession 7,
Lot 2 and Part of Lots 1 and 7
Registered Plan H-50027,
Formerly Township of Reach,
Township of Scugog

It is municipally known as 16051 Marsh Hill Drive and is located within the Hamlet of Epsom, in the Township of Scugog. (see **Figure 1 – Area Context**)

The Subject Site has an approximate area of 11,751.3 m² (1.17 ha) and is rectangular in shape. The Site has a frontage of approximately 128.08 m on Reach Street and 82.29 m on Marsh Hill Road.

The applicant is proposing to sever the eastern portion of the Site to create a new residential lot with a lot area of 4,617.50 m² and a frontage of 50 m on Reach Street (see **Figure 2 – Subject Site**).

The Subject Site is occupied by the former Epsom Public School which was permanently closed by the Durham District School Board in June 2017. The Site currently contains two structures, the original schoolhouse located at the south end of the Site, and a newer 1 storey building located at the rear (north) of the schoolhouse, which house an assisted living and support services facility operated by Marsh Hill Homes.

The original schoolhouse was constructed in 1876 and is listed under the Scugog Heritage Register and designated under Part IV of the Ontario Heritage Act. The eastern portion of the site is vacant of any structures and was utilized as an outdoor multi-use field/school yard. The proposed severance will not impact the existing buildings.

The Subject Site is currently zoned Community Facility (CF) in the Township of Scugog Zoning By-law 14-14, as amended, which permits the existing uses.

Surrounding land uses include:

- North: prime agricultural lands
- South: rural residential/estate residential
- West: rural residential
- East: prime agricultural lands with some single detached rural residential dwellings further east

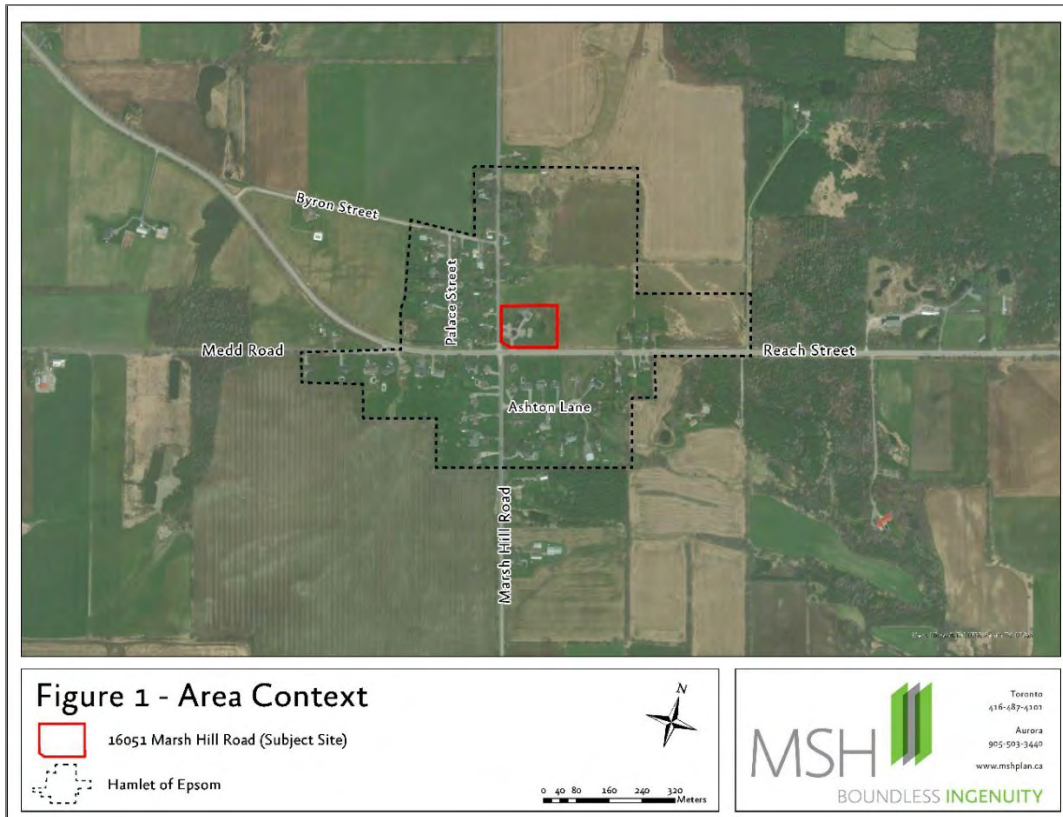


Figure 1 - Area Context

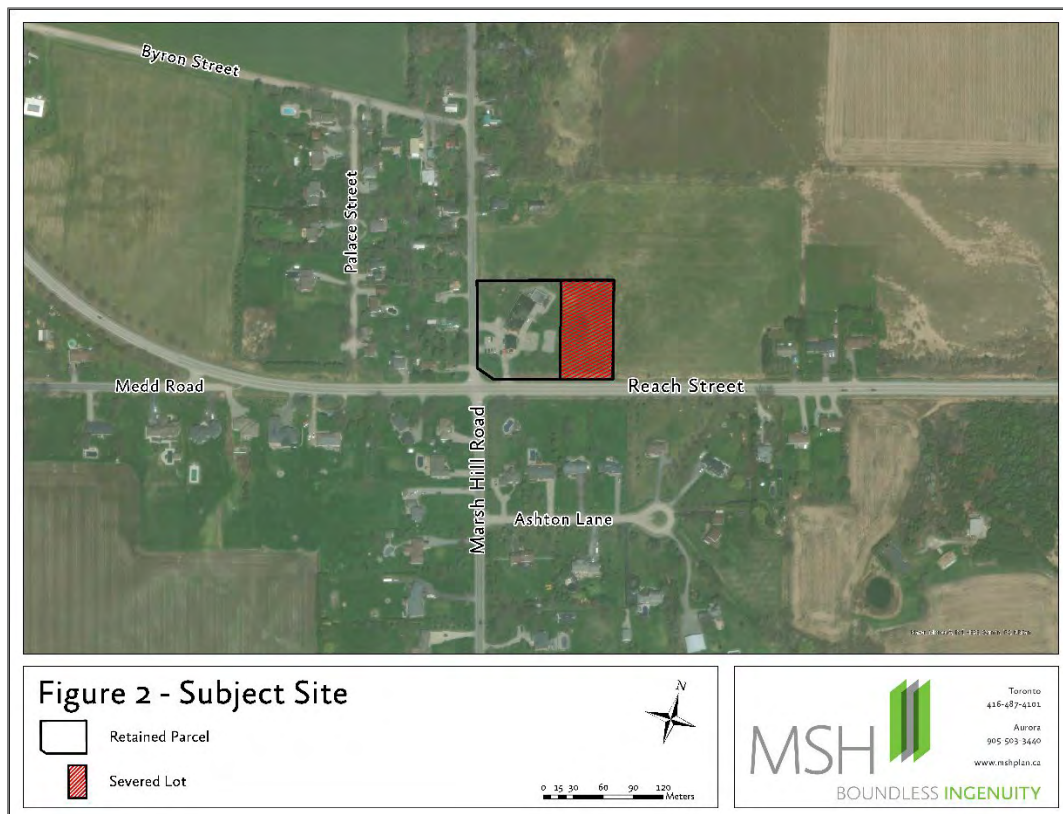


Figure 2 – Subject Site

3.0 Proposed Development

The Owner intends to sever the Subject Site to create one new residential lot.

The Marsh Hill House facility will remain on the retained lot and have a lot area of approximately 7,133.80 m²; and frontage of 82.90 m along Marsh Hill Road and 78.08 m on Reach Street. The severed (new) lot will have a lot area of approximately 4,617.50 m² and frontage of 50.00 m on Reach Street (see **Figure 3 – Proposed Severance Plan**).

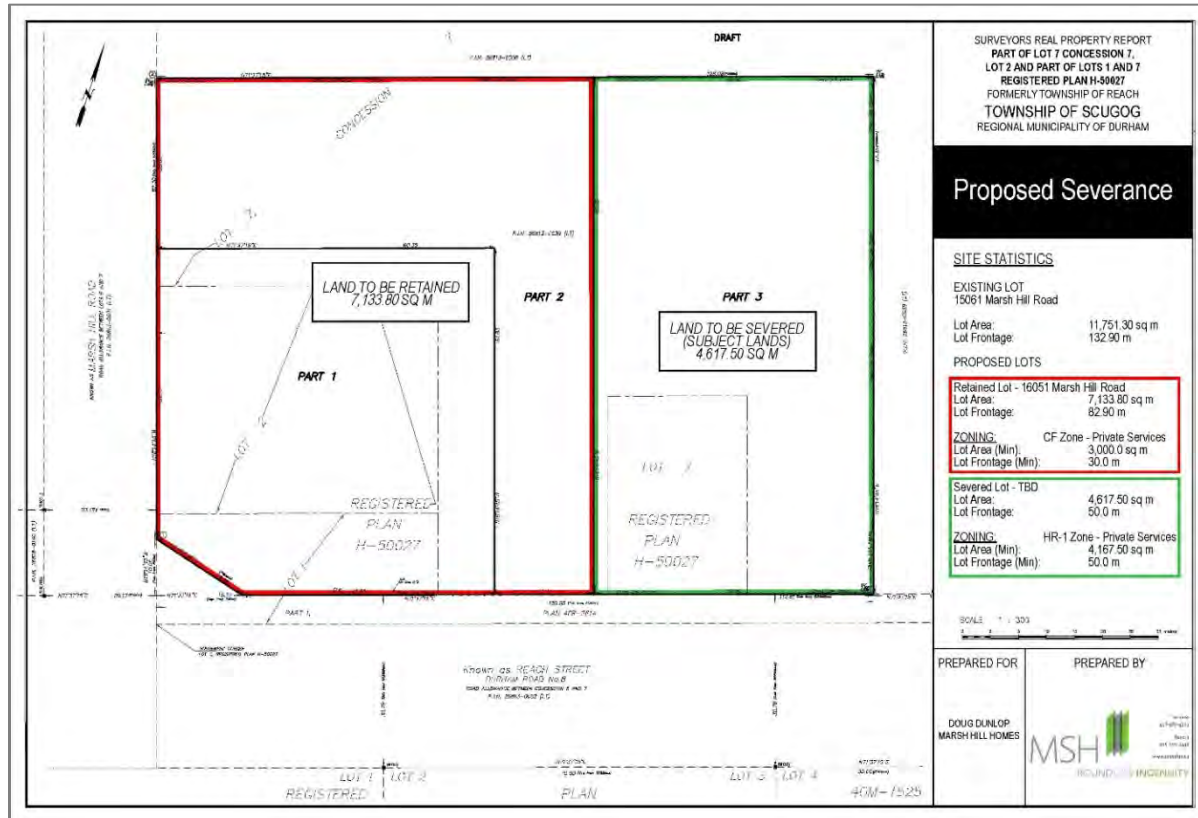


Figure 3 – Proposed Severance Plan

The severed lot will be rezoned from the current Community Facility (CF) Zone to Hamlet Residential – Private Service (HR₁) Zone to facilitate the development of a single detached dwelling. The proposed dwelling will comply with the Town's HR₁ zoning provisions and no minor variances are anticipated. A summary of the site statistics and zoning standards for the retained and severed lots is outlined in section 5 of this report.

A preliminary Site Grading and Servicing Plan has been prepared which illustrates existing services for Marsh Hill House; and, a suggested building footprint, proposed grading and location of private services for the new dwelling. The new private well is to be constructed at the rear of the severed lot and a new septic system and tile bed will be located within the front yard of the property as shown on **Figure 4 – Grading & Servicing Plan**. A new driveway access is proposed off Reach Street at the easterly end of the lot to service the new dwelling.

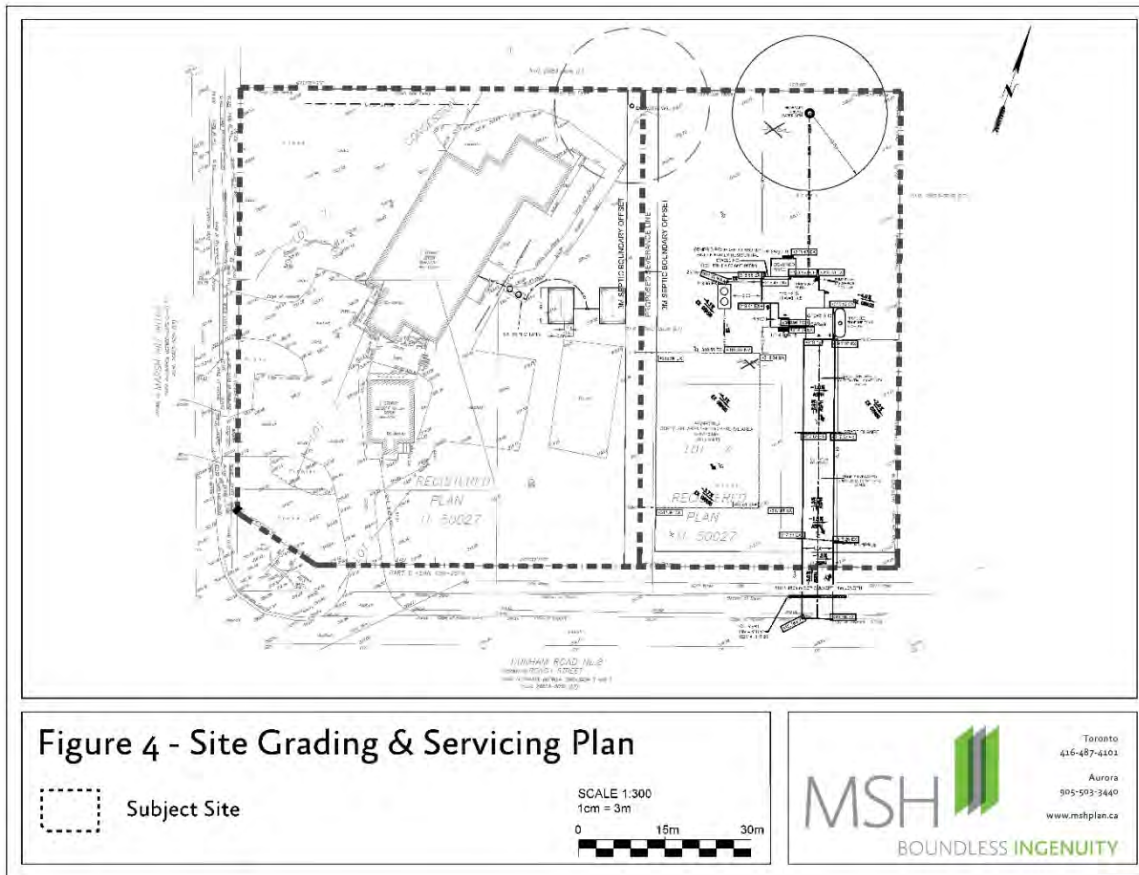


Figure 4 – Proposed Grading & Servicing Plan

4.0 Planning Applications

4.1 Consent to Sever

In order to create the new lot as shown in Figure 3 of this report, an application for Consent to Sever is required through the Region of Durham. The application conforms to the policies regarding Consent as outlined in the Township of Scugog Official Plan and detailed later in this report.

4.2 Zoning By-law Amendment

A Zoning By-law Amendment is required to rezone the severed lot from Community Facility (CF) to Hamlet Residential – Private Services (HR1) to permit a single detached dwelling. A Pre-Consultation meeting was held between the Township and Agency Staff; and the Owner's representative on August 11th, 2022. Preliminary comments and submission requirements were provided in correspondence dated August 11th.

This planning justification report is prepared in support of the development applications to facilitate the proposed severance and development.

A draft zoning by-law is included with this submission and is attached as Appendix A.

5.0 Planning Policy & Regulatory Framework

The following provides an overview and analysis of the relevant Provincial, Regional, and local policies and regulations that apply to the Subject Site. This Section also provides a rationale for how the proposed development aligns with the in-effect policy and regulatory framework. The documents applicable to the Subject Site are identified below and have been reviewed with respect to the application:

- Provincial Policy Statement, 2020 (PPS)
- A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (Office Consolidated), 2020
- Greenbelt Plan, 2017
- Durham Region Official Plan (Office Consolidated), 2020
- Envision Durham Regional Official Plan, 2023 (Regionally Adopted, pending Provincial approval)
- Township of Scugog Official Plan (Office Consolidated), 2017
- Township of Scugog Zoning By-law No.14-14, as amended

The Subject Site is within the Kawartha Region Conservation Authority (KRCA) watershed boundary, however, does not fall within an area regulated by the KRCA. The Subject Site is also within the Trent Conservation Coalition Source Protection Region.

5.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was implemented by the Ministry of Municipal Affairs and Housing (MMAH) and came into effect on May 1st, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development. All planning applications and decisions shall be consistent with the PPS.

The PPS focuses on building strong communities, protecting the natural environment, resources and public health and safety, and supporting a strong economy. It promotes efficient development patterns which optimize the use of land, resources, and infrastructure. The plan provides a planning framework for municipal land use decision making as it relates to managing and directing land use to achieve efficient development and land use patterns that focus growth and redevelopment within Settlement Areas.

Section 1.1.4 *Rural Areas in Municipalities* provides direction related to the management and use of land in rural areas including the development and redevelopment of these lands. As the Subject Site is located within an identified Hamlet buy the Region of Durham and the Township of Scugog, the following policies are of relevance:

*1.1.4.2 In **rural areas**, rural **settlement areas** shall be the focus of growth and development and their vitality and regeneration shall be promoted.*

*1.1.4.3 When directing development in rural **settlement areas** in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.*

The Subject Site is located within the Hamlet of Epsom. The development application seeks to sever a large, underutilized lot to construct a new residential dwelling. The proposed zoning by-law and consent applications directly support the policy directives outlined by directing growth in rural areas to rural settlement areas, modestly intensifying a property that is underutilized; and, is considered appropriate in the context of the surrounding area. The proposed development is consistent with the PPS 2020 policies.

5.2 A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) was prepared and approved under the Places to Grow Act, 2005 and took effect on May 16, 2019. The Growth Plan provides further direction to municipalities for the implementation of the PPS policies with respect to intensification and the accommodation of growth to the year 2051. The updated version came into force and effect on August 28, 2020, through Amendment No. 1.

All planning decisions must conform to the Growth Plan; and, it should be read in tandem with the PPS. In the event of a conflict between the Growth Plan and the PPS, the Growth Plan prevails.

The key focus of the Plan is to direct growth to built-up areas and designated greenfield areas to meet prescribed growth forecasts contained in the Plan. The result is a focus on a series of designated urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields.

The Subject Site is located within the Greenbelt Area as per Schedule 1 A Place to Grow Concept (see **Figure 5**). Chapter 2 of the Plan and more specifically, Section 2.2.9 Rural Areas, outlines the policies regarding growth and development within rural communities. Specifically, Policy 2.2.9.6 states that *new multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.*

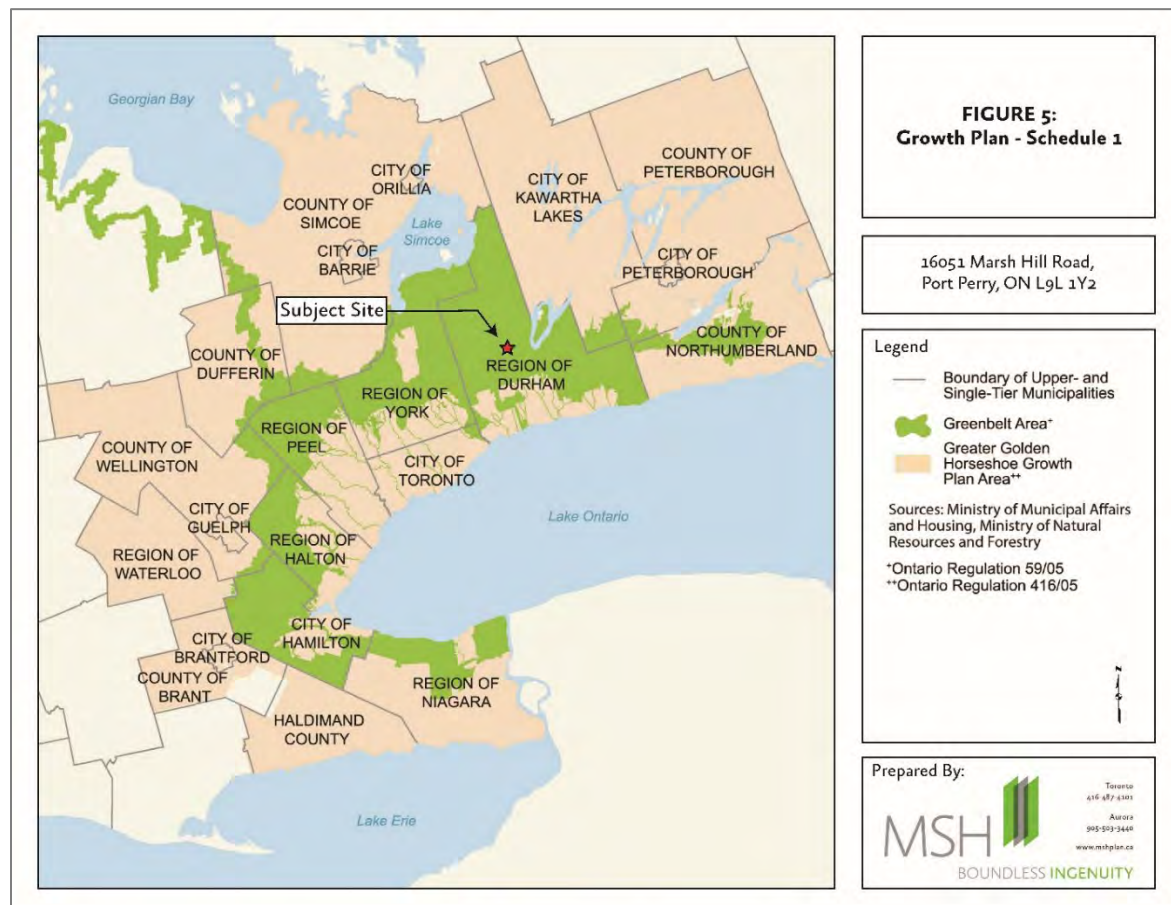


Figure 5 – Growth Plan Schedule 1

The Subject Site is located with the Hamlet of Epsom as identified in the Durham Region and Township of Scugog Official Plans, respectively. Both the PPS and the Growth Plan direct growth

in rural areas to rural settlements; and, encourage intensification of underutilized areas. The proposed development will utilize private water and septic systems.

The proposed development conforms to the policies of the Growth Plan by proposing a modest intensification of residential uses within an identified rural settlement area. The proposed development and applications support the overall intent of, and conform to, the policies of the Province's Growth Plan with regard to appropriately managing growth for immediate and long-term needs.

5.3 Greenbelt Plan, 2017

The Province of Ontario (Ministry of Municipal Affairs and Housing) released the Greenbelt Plan on February 28, 2005, under Section 3 of the Greenbelt Act, 2005. The Plan protects over 800,000 hectares of land including farmland, communities, forests, wetlands, and watersheds across the Greater Golden Horseshoe from urban development. The Greenbelt Plan works together with the Growth Plan, the Niagara Escarpment Plan, and the Oak Ridges Moraine Conservation Plan. An amendment to the Greenbelt Plan was approved by the Lieutenant Governor in Council and came into effect on July 1, 2017.

The Subject Site is designated "Protected Countryside" and is located within a "Hamlet" as shown on **Figure 6 – Greenbelt Plan**.

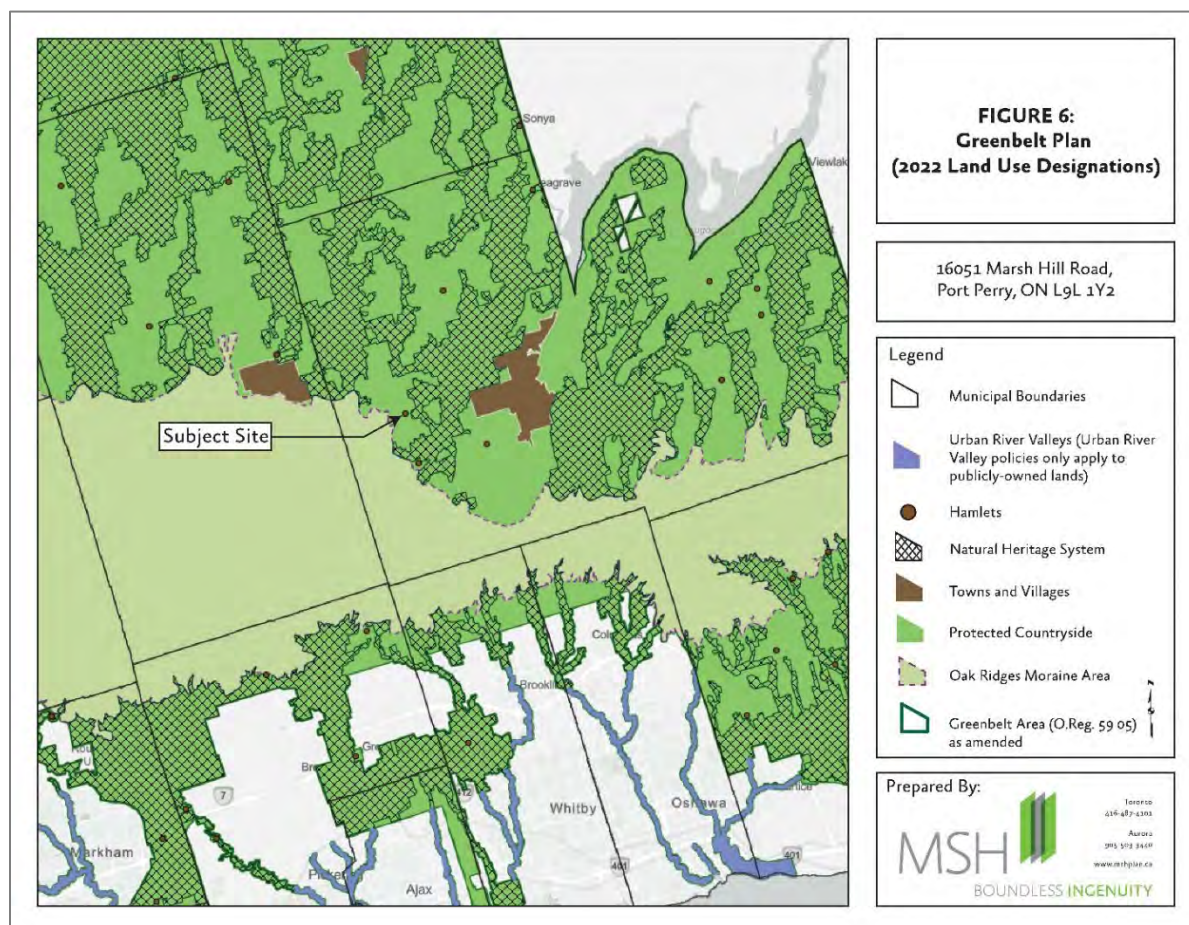


Figure 6 – Greenbelt Plan 2022 Land Use Designations

Section 3.4 of the Plan outlines the policy directives related to development within Settlement Areas. More specifically policy 3.4.4 states:

For lands within Hamlets in the Protected Countryside, the following policy shall apply:

- 1. Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of section 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Limited growth is permitted through infill and intensification of Hamlets subject to appropriate water and sewage services.*

The sections identified within the above policy relate to the Agri-food Network, Water Resource System, External Connections, Parkland, Open Space and Trails, and General Settlement Area Policies respectively. The Subject Site is not part of the agricultural network. The proposed development will not impact the water resource system and is not within an area of hydrologic features or within the natural heritage system. The Subject Site is occupied by a cultural heritage structure that is intended to be retained and preserved, with a new use for the facility to be determined. The severance of the vacant portion of the site for purposes of developing a single detached dwelling, supports the policy for adaptive reuse of spaces within settlement areas. Best practices will be used in the redevelopment of the severed lot through compliance of municipal approvals and permits.

The development applications and proposed development conform to the applicable policies of the Greenbelt Plan.

5.4.1 Region of Durham Official Plan (Office Consolidated, 2020)

On May 17, 2023, Regional Council adopted a new Region of Durham Official Plan (Envision Durham), after completing its municipal comprehensive review. It is currently with the Provincial government for approval. Until the new OP is approved by the Province, the policies of the current in force Official Plan (DROP) will apply. Although Envision Durham has no status, it does reflect Council's intent. As a result, a brief discussion of the new OP as it relates to the Subject Site is provided below in section 5.4.2.

The Subject Site is located within the Hamlet of Epsom within the Region's Rural System, as identified by **Schedule 'A' – Map 'A3' Regional Structure** of the DROP (see **Figure 7**).

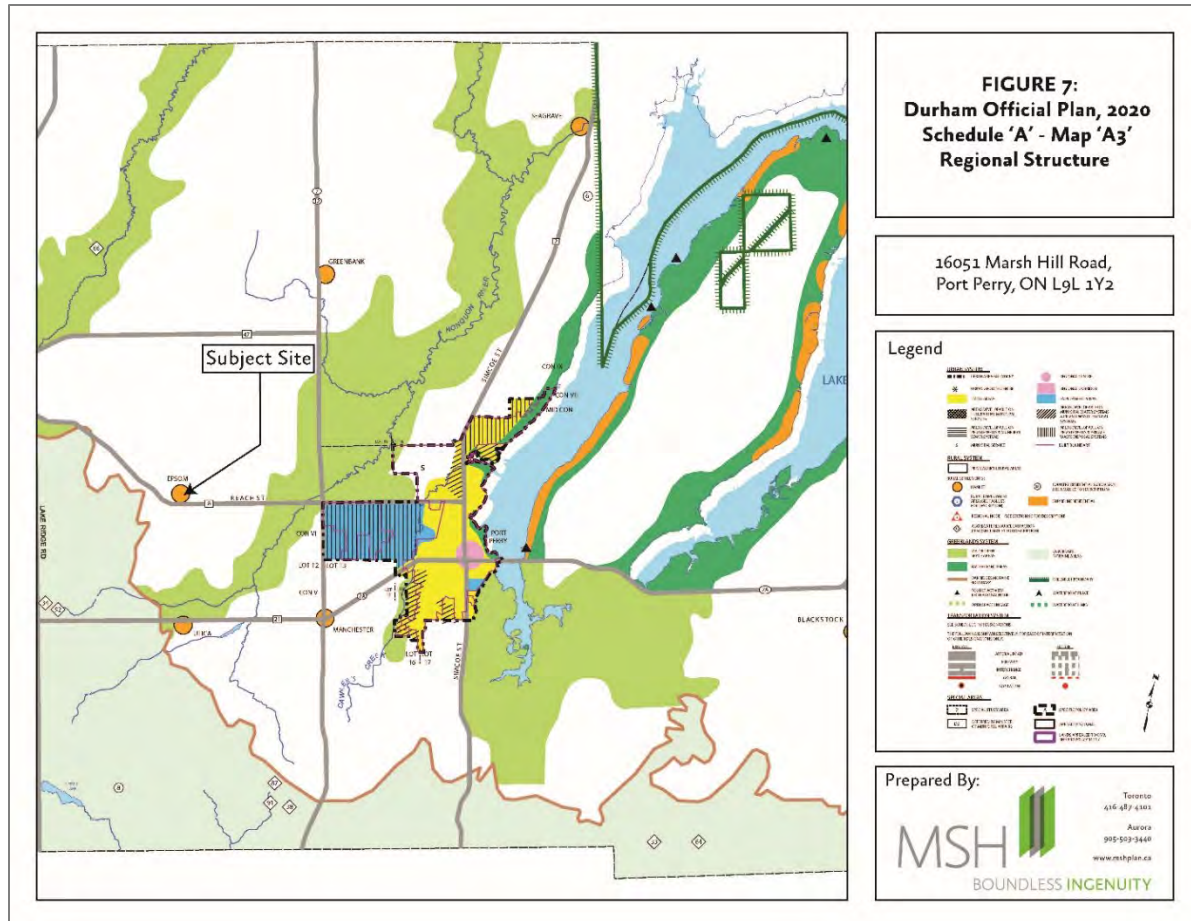


Figure 7 – Durham Regional Official Plan, 2020, Schedule 'A' – Map 'A3' Regional Structure.

The Subject Site is not located within the Greenbelt Natural Heritage System and does not contain any Key Natural Heritage or Hydrologic Features as identified by **Schedule 'B' Map 'B1c' Greenbelt Natural Heritage System & Key Natural Heritage and Hydrologic Features** (see **Figure 8**). The Site is outside of areas identified as having high aquifer vulnerability and outside of wellhead protection areas (**See Figure 9 – Schedule 'B' – Map 'B2' High Aquifer Vulnerability and Wellhead Protection Areas**).

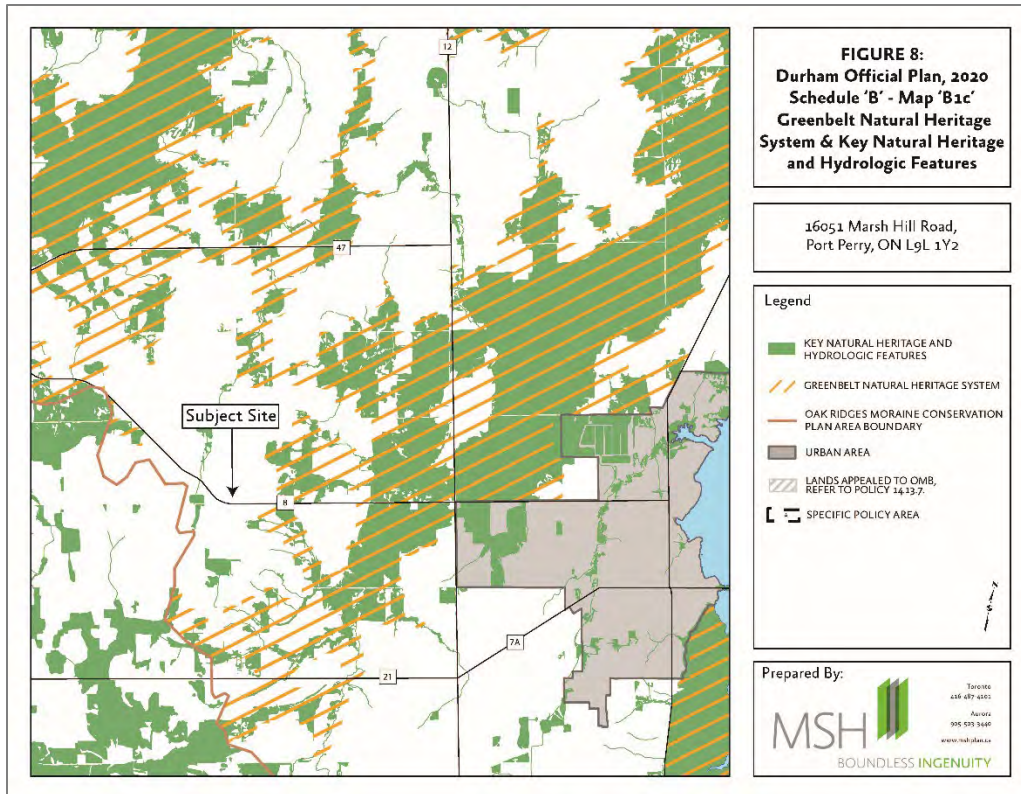


Figure 8 Durham Regional Official Plan Schedule 'B' – Map 'B1c' Greenbelt Natural Heritage System & Key Natural Heritage and Hydrologic Features

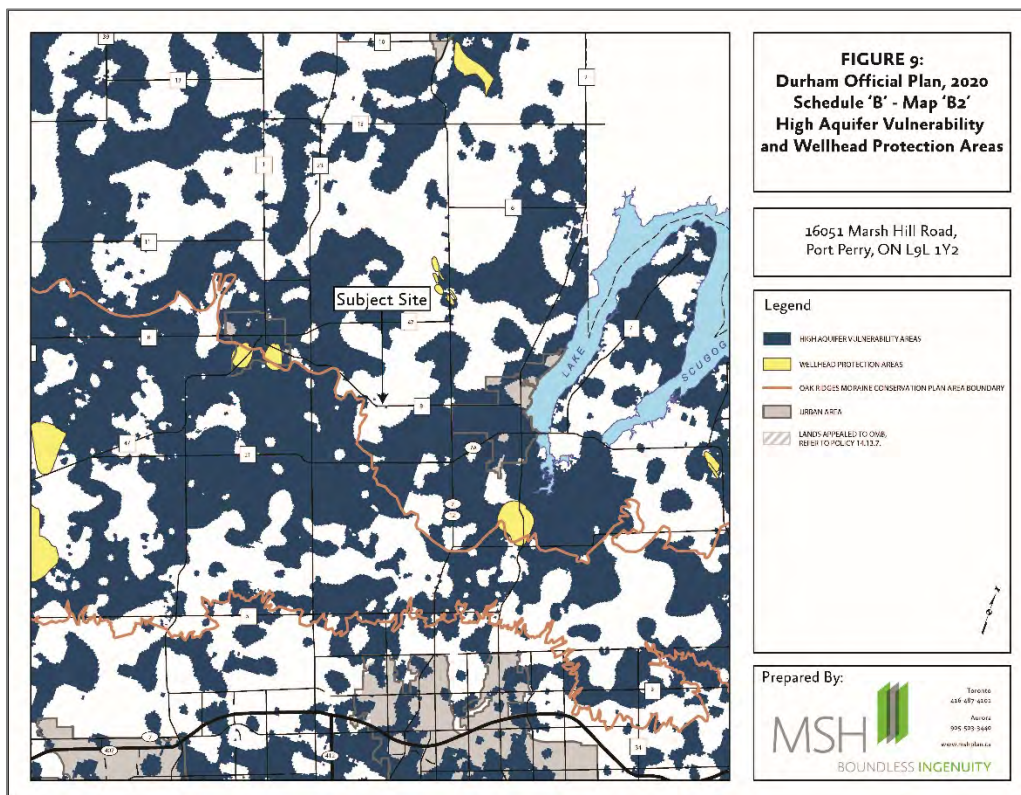


Figure 9 Durham Regional Official Plan Schedule 'B' – Map 'B2' High Aquifer Vulnerability and Wellhead Protection Areas

A major policy directive in the Plan is for the development of complete communities which are transit supportive, provide a range of housing options, through compact built form and an efficient use of municipal infrastructure. The majority of intensification is to be directed to Urban Areas, however, policy 4.3.1 states that housing is permitted outside of Urban Areas provided the new developments are largely limited to single detached dwellings and are consistent with the character of the area.

Section 7 of the DROP contains the Region's Land Use Structure and provides policies that promote the efficient use of land, resources, and finances of the Region. The proposed development provides mild intensification to an underutilized site and contributes to the projected housing targets.

The Subject Site falls within the Region's Rural System and more specifically, the Hamlet of Epsom. The Rural System policies are set out in Section 9. Policy 9.1.7 states the Region will "establish a firm limit to Hamlet *development*", however sub-section 9B provides additional policies related to development and land use within Rural Settlements. Relevant policies include the following:

9B.1.3 Hamlets shall be the predominant location for residential and social, commercial and employment development servicing the needs of the surrounding area.

9B.2.3 Hamlets shall be developed in harmony with surrounding uses and may consist of the following:

a) Predominantly single-detached housing, as well as community facilities, in accordance with relevant provisions of Sections 4 and 5 of this Plan

9B.2.4 In considering Hamlet development, the following principles shall serve to guide the preservation, cultural attributes and historic heritage of the community:

- a) Simplicity of form;*
- b) predominance of residential uses;*
- c) larger lots that accommodate private services;*
- d) almost exclusively single detached dwelling form;*
- e) few facilities; and*
- f) views and vistas of the countryside.*

These principles shall be reflected in the detailed Hamlet policies contained in area municipal official plans.

9B.2.6 Development within hamlets shall be individually serviced with private drilled wells and private sewage disposal systems where groundwater quantity and quality permits, and in compliance with the standards of the Region and the Ministry of Environment, Conservation and Parks. Municipal services may be extended to a hamlet, without an amendment to this Plan or the area municipal official plan, in accordance with Policy 5.3.22, and provided a study, as outlined in Policy 9B.2.8, has been undertaken. In addition, notwithstanding any other provisions of this Plan, where municipal services are to be extended, the capacity of such service shall be designed to service only the Hamlet area delineated in the area municipal official plan.

9B.2.7 For all other Hamlets development shall be limited to infilling or minor rounding out and where possible shall be developed in depth rather than strips. A firm limit to Hamlet development, including the delineation of a detailed boundary shall be incorporated into area

municipal official plans. The matters set out in Policies 9B.2.8 and 9B.2.9 shall be addressed by the area municipality in establishing the Hamlet boundary. Area municipalities may choose to be more restrictive.

The development applications will facilitate the creation of a 0.46 ha (1.12 acre) lot for the construction of a single-detached dwelling on private well and septic servicing. The severed lot is located within a predominantly residential area comprised of single detached dwellings on large lots, on private services.

No environmentally significant features or sensitive areas are located on or in proximity to the Subject Site. No negative impacts are anticipated as a result of the development. The proposed development conforms to the Region's Official Plan policies as outlined above.

5.4.2 Region of Durham Official Plan “Envision Durham”, May 2023

The Region's recently adopted new Official Plan "Envision Durham" May 2023, is currently with the Province pending final approval. The new but not in-force OP brings the Region's policies into conformity with various recently updated Provincial policy documents including but not exclusive to, the Greenbelt and Places to Grow (Growth) Plans. It continues to provide a policy framework for planning decisions regarding development and growth within the Region. As previously stated, the not in-force OP has no status at this time however it does reflect Council's intention regarding the management of growth, protection of agricultural lands, natural and cultural heritage features; and, the provision of infrastructure to 2051. The new policies, as they relate to the Subject Site, remain consistent with the in-force OP and are briefly outlined below.

The Subject Site continues to be located within the Region's Rural System and is designated "Hamlet" (Hamlet of Epsom) on *Map 1 Regional Structure – Urban & Rural Systems*, of the new OP (see **Figure 10**).

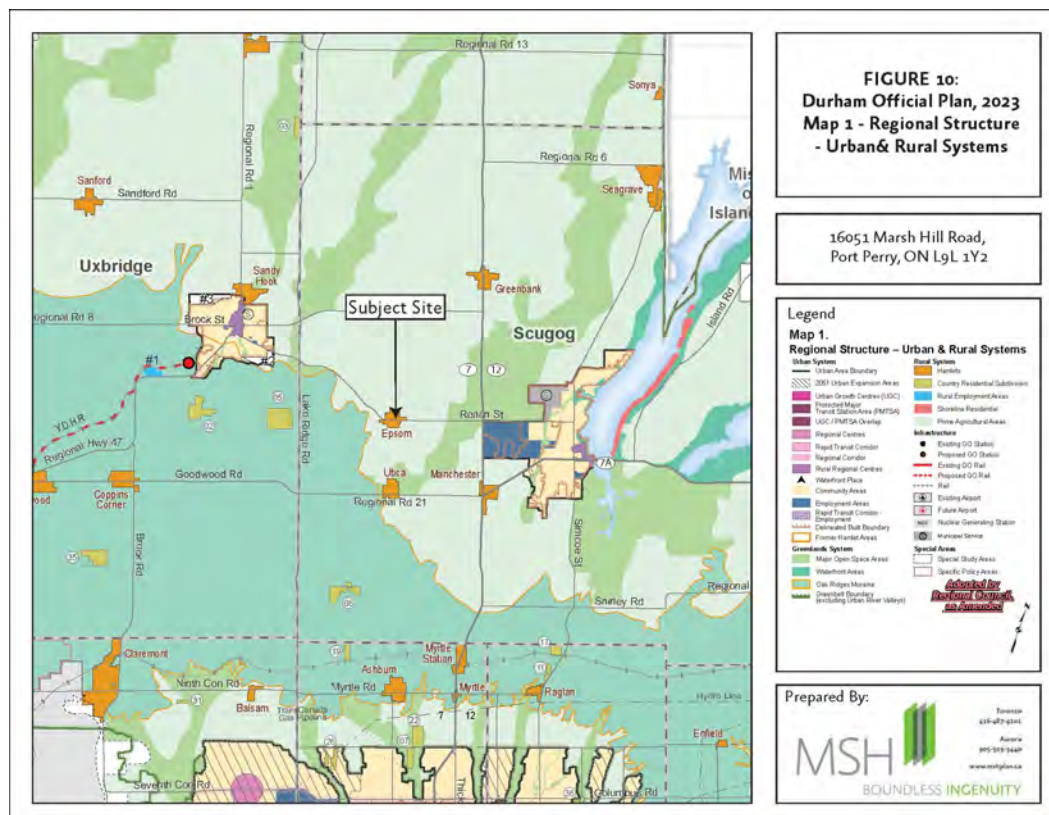


Figure 10 Envision Durham Official Plan – Map 1 Regional Structure – Urban & Rural Systems

The Subject Site is now identified as being within a Significant Groundwater Recharge Area as shown by Map 2d and Significant Surface Water Contribution Area and Ecologically Significant Groundwater Recharge Area by Map 2e (see **Figure 11** and **Figure 12**). Section 7.5 Water Resources System provides policies with respect to the protection of the Region's water resources through the provision of detailed analysis and in compliance with the policies of the Greenbelt Plan.

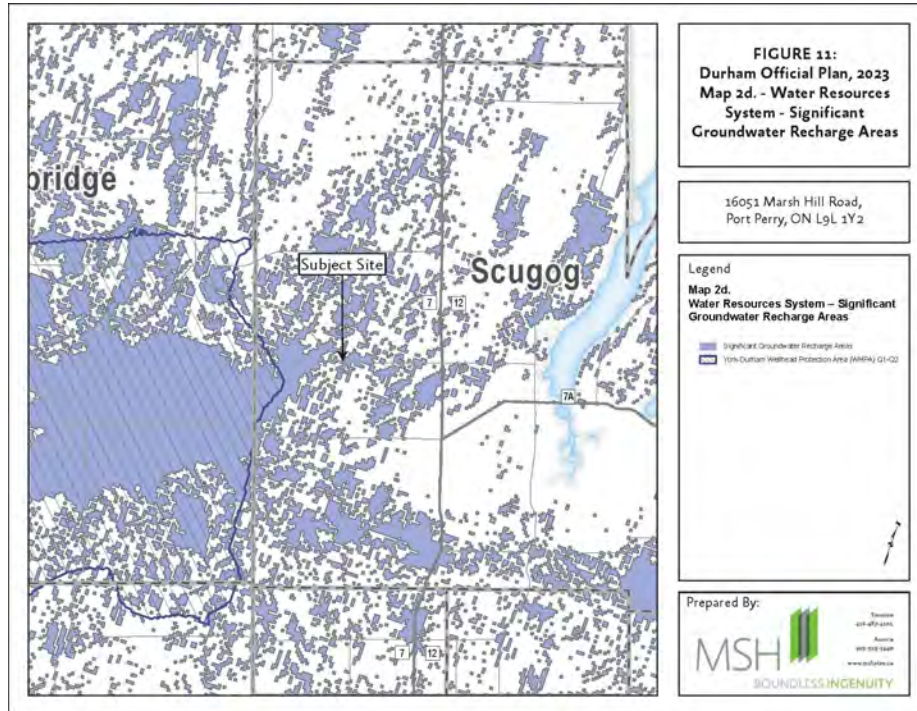


Figure 11 Envision Durham Official Plan – Map 2d. – Water Resources System – Significant Groundwater Recharge Areas

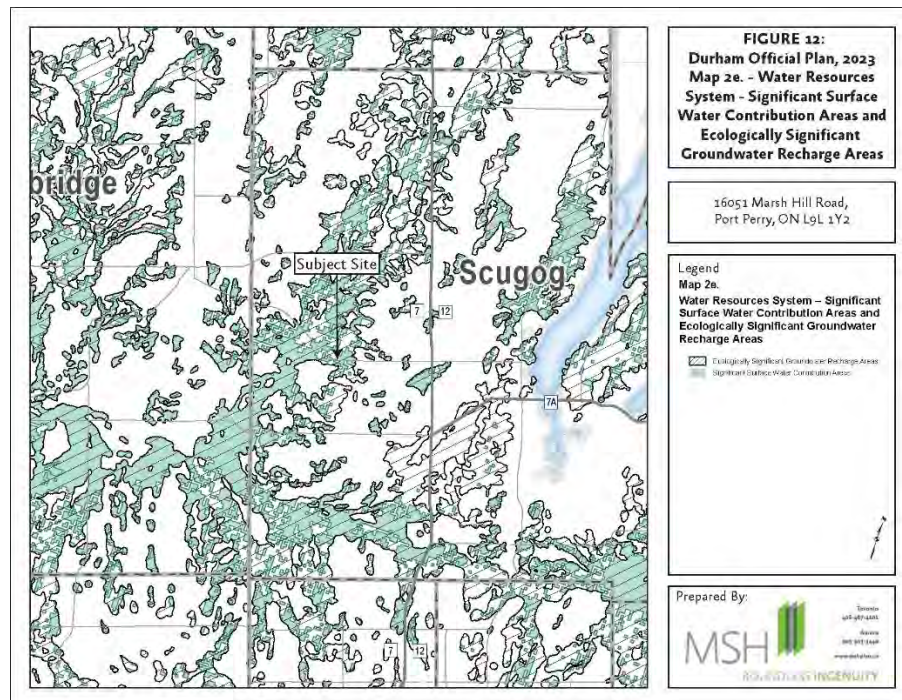


Figure 12 Envision Durham Official Plan – Map 2e Water Resources System – Significant Surface Water Contribution Areas and Ecologically Significant Groundwater Recharge Areas

Other changes of note include the strengthening of policies as they pertain to the viability of Rural Settlements, by providing clearer distinction between the urban and rural systems, and growth within Hamlets. This is reflected in the identification of the regional “Rural System” which is one of four (4) systems that make up Durham’s “Regional structure”. The objective and policies of note are contained in Section 1.1 as follows:

Objective:

- i. *Promote the distinction between the Urban System and the Rural System, while minimizing conflicts between the various Systems and their underlying components.*

Policies:

- 1.1.2 *Recognize the distinction between the Urban and Rural System is a fundamental principle of land use planning, growth management and the efficient use of infrastructure.*
- 1.1.3 *Direct population and employment growth to the Urban System with limited growth permitted within the Rural System, including Rural Settlements, where it is appropriate with the surrounding uses, in accordance with Section 6.5.*
- 1.1.7 *Plan for the required services and infrastructure in accordance with the following minimum population, employment, and household allocations by area municipality:*

The development applications and the proposed development continue to reflect the intent of Council and are consistent and comply with the new, not in-force OP.

5.6 Township of Scugog Official Plan (Office Consolidated), 2017

The Township of Scugog's Official Plan was adopted by Council on June 22, 2009, and approved by the Ontario Municipal Board (OMB), now known as the Ontario Land Tribunal (OLT), on March 2, 2011. It has been consolidated to September 2017.

The Official Plan designates the Subject Site as “Hamlet” as shown on Schedule A - Rural Land Use (**Figure 13**).

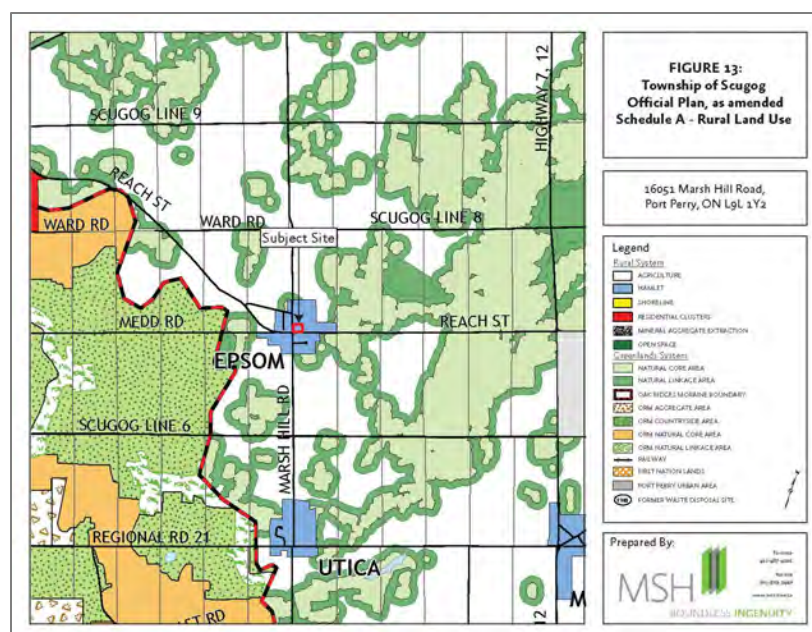


Figure 13 Township of Scugog Official Plan Schedule A – Rural Land Use

Policies and criteria for the development of lands within the Township are outlined in Section 3 of the Official Plan. Section 3.1 states:

3.1 General Development Criteria

Where a land use is permitted, uses normally accessory to such use are also permitted. Provisions and regulations regarding accessory uses, including size, type, location, height, mass, floor area, and spacing shall be specified in the implementing Zoning By-law.

Prior to development occurring, and before any subdivision or a provisional consent is permitted, or any amendment to a Zoning By-law is made, it shall be established to the satisfaction of the Township and all other bodies having jurisdiction, that:

- a) Soil and drainage conditions are suitable to permit the proper siting of buildings and other site improvements such as driveways, parking, and accessory structures;*
- b) Suitable arrangements have or can be made for water and wastewater servicing, storm drainage and all other necessary public services;*
- c) No traffic hazards will ensue because of excess traffic generation, or limited sight lines on curves or grades;*
- d) The land fronts on a year round publicly maintained road, which meets municipal standards;*
- e) The potential impact of all adjacent land uses upon the proposed use has been adequately investigated;*
- f) The potential impact of the proposed use on adjacent lands has been considered, and adequate mitigation, including buffer distances is provided between the use and adjacent uses in accordance with the policies of this Plan; and,*
- g) The Minimum Distance Separation formulae are complied with.*

In addition, the Township may require additional studies, including but not limited to studies related the ecological, social, and economic impacts on the Township and its residents.

As a result of Bill 23, Site Plan Control is no longer applicable to residential development comprising 10 units or less. However, consideration should be given to the Township's Urban Design Guidelines outlined in Section 3.18. As per the OP, the guidelines apply to lands designated *Hamlets*. The guidelines applicable to the proposed development are as follows:

3.18 Urban Design Guidelines

These design guidelines are intended to apply to the entire Port Perry Urban Area and, where appropriate, within the Hamlet of Blackstock and to a lesser extent the other Hamlets. More detailed design guidelines may also be provided in specific land use policies.

- d) The use of sustainable design methods responding to such issues as climate change, energy conservation, ecological integrity and bio-diversity, water conservation and waste reduction will be encouraged;*
- f) Energy efficient design and orientation which maximizes the use of alternative or renewable energy such as solar and wind energy and the mitigating effects of vegetation will be encouraged wherever possible;*
- h) Natural features will be a consideration in the establishment of urban design. Watercourses, valleylands, significant trees, woodlots,*

- wetlands and other ecological features and functions will be protected. Healthy established trees will be incorporated into new development. Development plans shall provide enough space to protect the trees and their roots during construction;*
- i) Cultural heritage features will provide context for new development and should be protected and enhanced where possible;*
 - j) New development will be compatible with and complementary to existing buildings with respect to historic architecture and design, siting, height, and scale;*
 - l) All new development and redevelopment shall be accessible to persons of all ages and physical abilities in accordance with legislative standards;*
 - m) Consideration shall be given to the location of utilities in-ground within public rights-of-way, as well as on private property. Utilities shall be clustered or grouped where possible to minimize visual impact. The Township encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters etc. when determining appropriate locations for large utility equipment and utility cluster sites;*
 - q) Opportunities for views of important public buildings, heritage buildings, open spaces and parks, natural heritage features, and other landmark design elements and/or focal features should be considered in site design. Buildings adjacent to public open space areas should be sited and designed to provide opportunities for overlook into these areas;*
 - u) Stormwater management facilities must be designed as positive visual features and should incorporate an arrangement of planting that does not interfere with their function, to complement a community's open space system and be a significant landscape feature. Drought tolerant species and landscape design that reduces the need for chemical fertilizer, herbicides and pesticides shall be required;*

Section 3.5 Cultural Heritage Resources of the OP states that any development or redevelopment on land in proximity or adjacent to any heritage buildings or structures designated under the *Ontario Heritage Act* and may require the submission of a Cultural Heritage Impact Statement (CHIS). The proposed single detached dwelling will meet all Town zoning standards. The proposed well and septic servicing will be subject to review and municipal approval and will be located to ensure there is no impact on the adjacent site. A Heritage Impact Assessment has been prepared by AS & G Archaeological Consulting. The findings are outlined in Section 6.4 below.

Section 5.3 contains policies related to development occurring in Hamlet areas. The objectives and permitted uses as stated by the OP are as follows:

5.3.1 Objectives

The objectives of this designation are to:

- a) Recognize the unique and historic nature of the communities that provide a transition between the Port Perry Urban Area and the surrounding agricultural and rural landscape;*
- b) Maintain the character and amenities of the existing rural communities in the Township;*
- c) Direct the majority of non-farm rural development to areas where similar development currently exists;*

- d) *Provide opportunities for small-scale commercial, industrial and tourism related uses that are compatible with the character and scale of the Hamlet;*
- e) *Ensure that new development in the Hamlets are sustainable on the basis of partial or private services; and,*
- f) *Recognize Blackstock as a future Urban Settlement within the Township (Deferral 2-3).*

5.3.2 Permitted Uses

Land in the Hamlet designation may be used for the following:

- a) *Single-detached or semi-detached dwellings;*
- b) *Home occupations and home industries;*
- c) *Public institutional uses such as schools, places of worship and community halls;*
- d) *Commercial uses and new commercial uses serving the Hamlet, surrounding rural areas and supporting tourism in the area; and,*
- e) *Public parks.*

Subsection 5.3.3 contains general development policies for Hamlets. According to these policies, new developments shall maintain the historic rural character of the existing residential area and have private or partial services that have regard to sustainability. In addition, minor expansions through the creation of lots by severance are allowed provided they receive water and wastewater services approval from the Ministry of the Environment of the Durham Region Health Department.

The Subject Site also appears to be within land identified as “Highly Vulnerable Aquifers” (see **Figure 14**) and “Significant Groundwater Recharge Area” (see **Figure 15**).

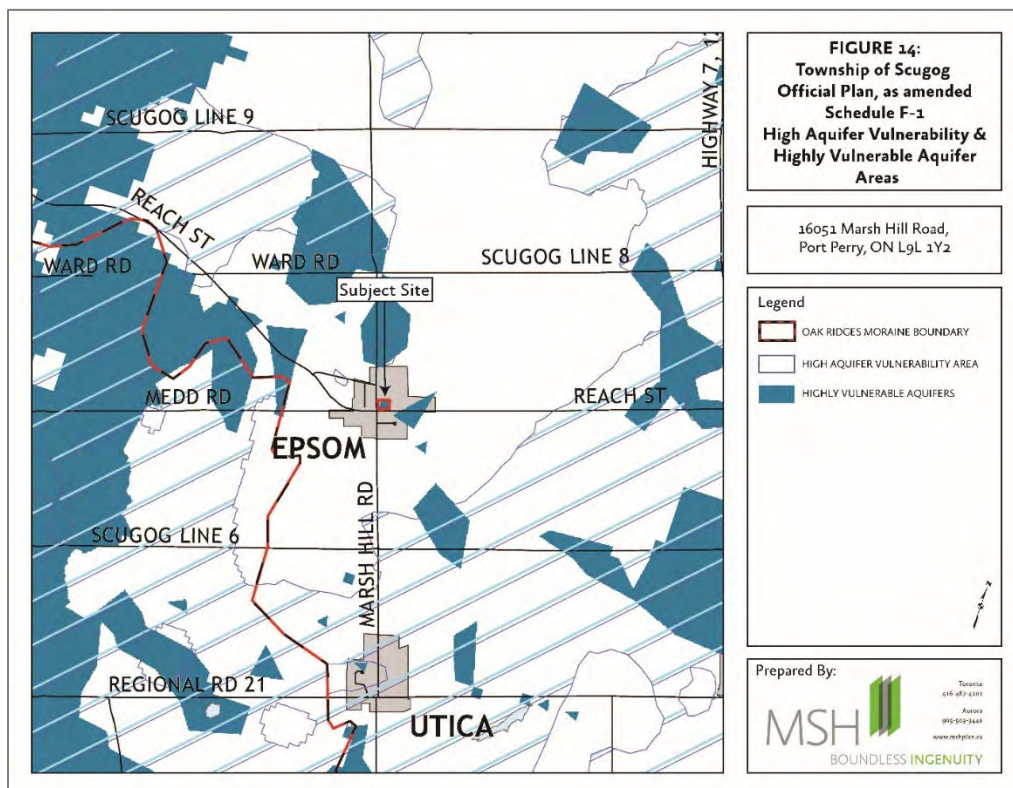


Figure 14 – Township of Scugog Official Plan, as amended, Schedule F1 High Aquifer Vulnerability & Highly Vulnerable Aquifer Areas.

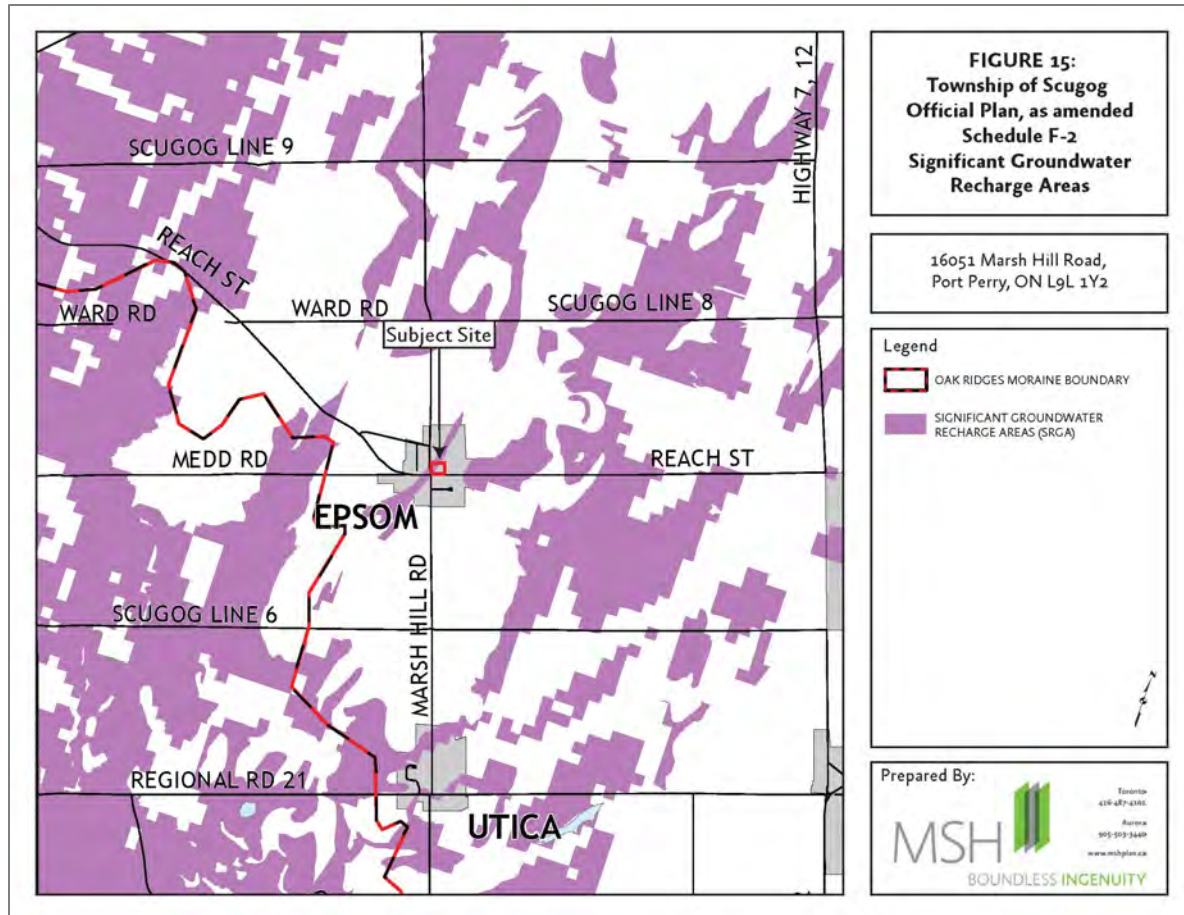


Figure 15 – Township of Scugog Zoning Official Plan, as amended, Schedule F-2 Significant Groundwater Recharge Areas.

Section 9.13 of the OP contains policies related to the creation of lots and states:

9.13 Lot Creation

Consents may be given for the creation of new lots, boundary adjustments, rights-of-way, easements, long term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.

9.13.1 General Development Policies

- a) *Applications for contents shall only be granted where the following conditions are satisfied:*
- i. *A plan of subdivision is not necessary;*
 - ii. *The number of lots created is generally not more than two lots;*
 - iii. *The lot can be adequately serviced with appropriate water and wastewater system;*
 - iv. *The lot will front onto and will be directly accessed by a public road which is maintained year round;*
 - v. *Access to the lot will not cause a traffic hazard;*
 - vi. *The creation of the lot will not restrict the ultimate development of adjacent lands;*

- vii. *The size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots;*
 - viii. *The lot will not have a negative impact on the natural heritage features and related ecological functions in the area;*
 - ix. *New lots will not be permitted on lands containing physical constraints to development such as poor drainage, flood susceptibility, steep slopes, or any other physical condition that may jeopardize public health and safety; and,*
 - x. *The consent complies with all relevant policies of this Plan.*
- b) *Provisional consent may be granted subject to appropriate conditions of approval in accordance with the Planning Act. Lot Line adjustments for legal or technical reasons shall be permitted in all designations.*

The proposed development does not require a plan of subdivision and only seeks to create one additional lot with private servicing and access via a well-maintained public right-of-way. As only one single-detached dwelling unit is proposed on the site, access to the lot will not cause a traffic hazard. The consent will create one regular shaped new lot which will meet the minimum lot requirements as per the Township's Zoning By-law 14-14, as amended. A Zoning By-law Amendment is required to rezone the new lot from Community Facility (CF) to Hamlet Residential – Private Service (HR1) to permit the proposed residential dwelling. The new lot is appropriate for the proposed residential use and is compatible with adjacent lots. The new lot is not expected to have any negative impact to any natural heritage features and related ecological functions in the area nor does it contain any physical constraints to the development. The proposed lot severance and development complies with all relevant policies of the Township's Official Plan.

5.7 Township of Scugog Zoning By-law 14-14, as amended

The Township of Scugog Zoning By-law 14-14, as amended, was adopted by Council on March 15, 2014, and approved by the Ontario Municipal Board (OMB), now referred to as the Ontario Land Tribunal (OLT), on September 29, 2014. The current By-law has been consolidated to September 2022.

The Subject Site contains the former Epsom Public School which was closed at the end of June 2017. The western portion of the site contains the original schoolhouse that is designated under the *Ontario Heritage Act* as well as a newer building expansion. The Site is currently zoned Community Facility (CF) as shown on Schedule 'C' - Map 4 ESPOM of the Scugog Zoning By-law 14-14, as amended (see **Figure 16**) and permits a range of non-residential uses including, but not limited to, Community Centre, Long Term Care Facility, Museum, Place of Worship, and School. A single detached dwelling is permitted in the CF zone but only as an ancillary use to a Place of Worship.

A zoning amendment is required to permit the proposed single detached dwelling on the newly created lot.

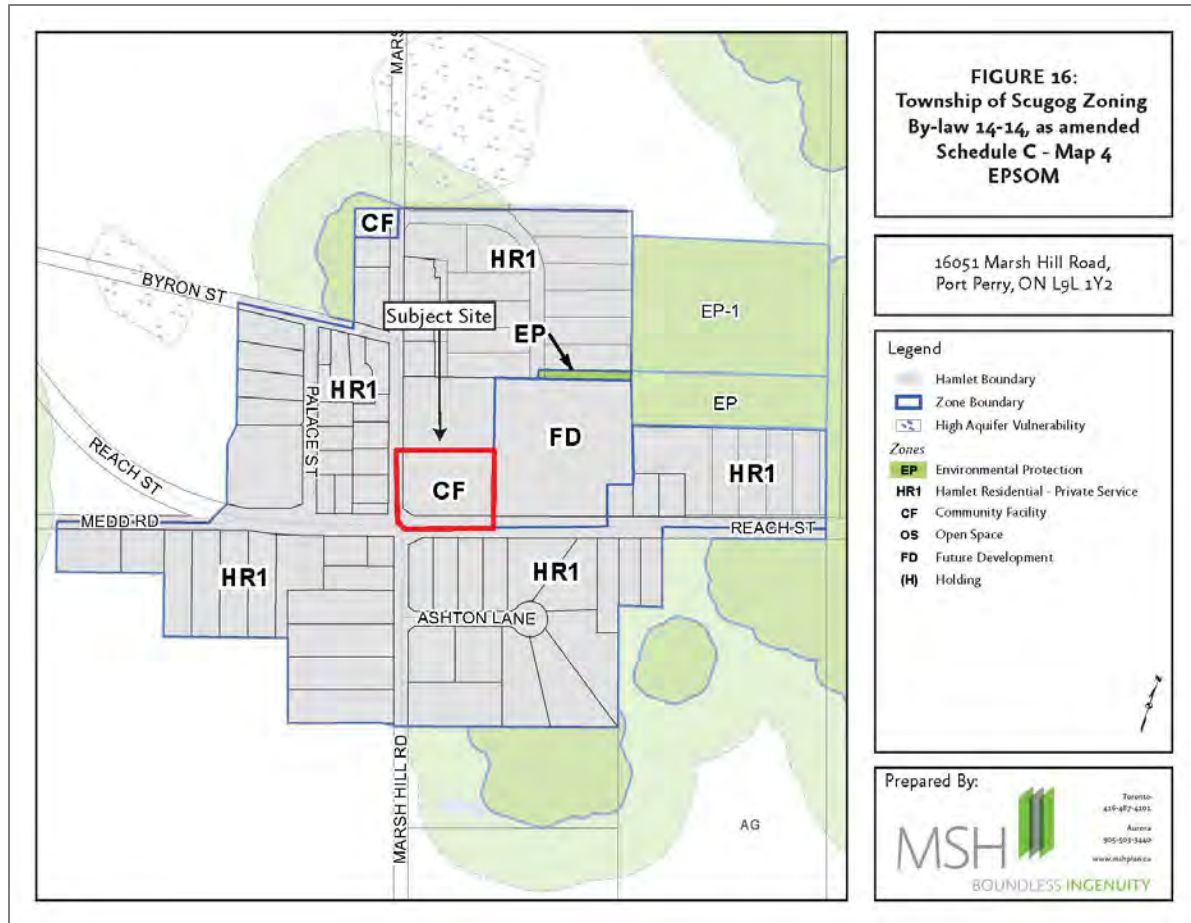


Figure 16 – Township of Scugog Zoning By-law 14-14, as amended, Schedule C – Map 4 EPSOM

The proposed severance affects a portion of the Subject Site that is not utilized by the Marsh Hill Home facility. It is void of any structures. The rezoning of the new lot to Hamlet Residential – Private Service (HR1) will facilitate the development of a single detached dwelling. The following Zoning By-law Compliance Chart outlines the provisions for the existing CF zone and the proposed HR1 zone as set out in the Zoning By-law 14-14, as amended and demonstrates compliance for both parcels:

ZBL 14-14 PROVISIONS	RETAINED LOT		SEVERED LOT	
	Proposed	CF Zone – Privately Serviced Required	Proposed	HR-1 Zone Required
Frontage (min)	82.90 m (Marsh Hill Rd) 78.08 m (Reach St)	30m	50m	30m
Lot Area (min)	7,133.80m ²	3,000m ²	4,617.50 m ²	2,800 m ²
Lot Coverage (max)	863m ² (12%)	30% (max)	115m ² incl. garage	30%
Building Height (max)	Unknown, existing	12m	Not yet determined	12m
Minimum Front Yard	21.48m	10m	44.19m	10m

Minimum Exterior Side Yard	24.67m	10m	N/A	10m
Minimum Interior Side Yard	13.39m	8m	12.86m (west) 23.28m (east)	3m (1.2m for an attached garage)
Minimum Rear Yard	8.6m (existing)	10m	36.06	10m
Landscaped Open Space (min)	~58%	30%	N/A	N/A
CFA	N/A	N/A	166m ² estimate	N/A

As shown, both the existing facility and the proposed lot and dwelling comply with the provisions of the CF and HR1 Zones and do not require any additional relief. A draft Zoning By-law with schedule is attached as Appendix A.

6.0 Supporting Studies

The following section provides a summary of the studies being submitted in support of this application and have been provided to MSH for review as part of this report.

6.1 Record of Site Condition Compliant Phase One ESA

The Regional Municipality of Durham requires that a Site Screening Questionnaire (SSQ) be submitted for all planning applications where a Phase 1 ESA is not submitted. As such, an SSQ has been prepared and submitted by the landowner and signed by a qualified person support of this development proposal. As summary of the findings is as follows:

1. The current use of the property is "Institutional".
2. The development proposal does not require a change to a more sensitive use (Institutional and Residential are both Category 2).
3. The property and/or adjacent lands have never been used as an Enhanced Investigation Property.
4. Fill has never been placed on the property.
5. The property or adjacent lands are not within a wellhead protection zone.
6. The property is not within 250 metres from an active or decommissioned landfill/dump, waste transfer station or Polychlorinated Biphenyl (PCB) storage site.
7. The property has never stored/generated/accepted hazardous materials.
8. Potentially Contaminating Activities have never occurred on the subject or abutting lands.

As none of the listed criteria of the SSQ apply to the site, a Record of Site Condition or Phase 1 ESA are not required.

6.3 Preliminary Noise Impact Study

A Preliminary Noise Impact Study was conducted by NexTrans Consulting Engineers dated January 9, 2024, for the Subject Site. The study considers the following requirements:

- Impact of transportation and stationary noise sources on the proposed residential development;
- Impact of the development on itself; and
- Impact of the development on the surrounding environment.

The assessment was based on the concept site plan by KING EPCM, dated May 30, 2023, which consists of a 2-storey residential dwelling with an outdoor covered porch as well as a patio. The report outlines the noise control requirements for the development to meet the applicable Ontario Ministry of the Environment, Conservation and Parks (MECP) noise guideline NPC-300 “Environmental Noise Guideline – Stationery and Transportation Sources – Approval and Planning” (August 2013) as the criteria for the study.

The results of the study indicate that the predicted noise levels at the new lot are expected to meet the MECP criteria at all plane of window receptor locations and front and rear outdoor living areas. Therefore, noise control measures are not deemed to be required.

It also found that there will be minor noise impacts on the adjacent Marsh Hill House resulting from the construction of the proposed residential dwelling on the severed parcel however, provided the construction activities comply with local noise by-laws, adverse impacts are not anticipated.

The study concludes that the proposed residential development is feasible in terms of environmental noise, both within the proposed dwelling and at the outside living areas.

6.4 Heritage Impact Assessment (HIA)

Prior to its closure in 2017, the property was home to Epsom Public School. The original schoolhouse was constructed in 1876 and is a designated building in the Township of Scugog Municipal Heritage Register under Part IV of the Ontario Heritage Act. As such, the Township required a Heritage Impact Assessment (HIA). AS & G Archaeological Consulting was retained by the property owners and produced a Heritage Impact Assessment dated May 20, 2022. The HIA concluded that although the original 1876 Epsom Public Schoolhouse is a designated building in the Township of Scugog Municipal Heritage Register, the proposed lot severance will not impact the existing building within the retained portion of the property. As such, the HIA recommends the following:

1. The property does retain cultural heritage value and significance (i.e. the 1876 Epsom Public School building.)
2. There are currently no plans for development within the retained portion of the property and there is no concern for direct impact on the existing heritage property at 16051 Marsh Hill Road, Port Perry.
3. Any future development associated with the property should adhere to design guidelines as provided within the Township of Scugog and Durham Region Master Plans in order to minimize any impacts to the property.
4. It is recommended that the proponent and Township of Scugog work together to ensure the preservation, conservation, and maintenance of the cultural heritage resource located at 16051 Marsh Hill Road and to ensure prevention of its destruction, demolition, or loss (i.e. the original 1876 Epsom Public School building).
5. Any proposed development of the property should be precluded by a schedule and reporting structure for implementing mitigative or avoidance measures and monitoring the cultural heritage resource located at 16051 Marsh Hill Road as development or site alteration progresses. Methods of minimizing or avoiding a negative impact on a cultural heritage resource include:

- Alternative development approaches
- Isolating development and site alteration from significant build and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

It is our understanding that the above noted recommendations will be incorporated into the design of the proposed building and development process.

7.0 Conclusions

The proposed development represents a more efficient use of an otherwise underutilized piece of land within a Rural Settlement. Although Provincial and Regional policies direct new development to settlements within the urban boundaries of a City/Town, they also allow for modest development within rural areas where permitted and appropriate. The proposal supports the policy directives as set out in the Provincial Policy Statement, a Place to Grow, and the Greenbelt Plan, and, therefore, is consistent with and conforms to provincial policy.

The Subject Site is located within a Rural Settlement Area as identified in the current in force Durham Official Plan. As described in this letter, the proposed development conforms to the policies set forth in the Regional OP. As the Regional Council has also adopted their new OP "Envision Durham" but is awaiting Provincial approval, this report also speaks to the conformity of the proposed development to the new not yet in force policies of Envision Durham.

The Subject Site is designated "Hamlet" in the Township of Scugog's Official Plan. The proposed development is permitted in the Township's Official Plan and conforms to the Hamlet and Consent policies as set forth in the OP.

A Zoning By-law amendment is required to rezone the new lot from Community Facility (CF) to Hamlet Residential – Private Services (HR1). As shown through the Zoning By-law Compliance Chart, the proposed development complies to the zoning provisions as set by By-law 14-14, as amended and does not require any site-specific zoning relief. In addition, the severance does not impact the retained lot in terms of compliance with the CF zoning provisions.

In summary, the proposed development seeks to activate an underutilized area of land by constructing a single-detached residential dwelling with private servicing in the Hamlet of Epsom. The proposed development is in keeping with Provincial policies, the DROP and Envision Durham, the Township of Scugog's Official Plan and Urban Design Guidelines, and Township Zoning By-law 14-14, as amended. The proposed residential development presents an opportunity to provide much needed housing in the Township and represents good planning.

Sincerely,

MACAULAY SHIOMI HOWSON LTD.



Angela Sciberras, MCIP, RPP
Principal

Appendix A

Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWNSHIP OF SCUGOG
BY-LAW NUMBER XX-24

BEING A BY-LAW PASSED PURSUANT TO THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, TO AMEND ZONING BY-LAW 14-14 WITH RESPECT TO PART LOT 7, CONC. 7, LOT 2 and PART OF LOTS 1 AND 7, REGISTERED PLAN H-50027, FORMERLY TOWNSHIP OF REACH, TOWNSHIP OF SCUGOG, MUNICIPALLY KNOWN AS 16051 MARSH HILL ROAD, (ROLL #XXXXX), WARD X

WHEREAS the owners of Part Lot 7, Concession 7, Lot 2 and Part of Lots 1 and 7, Registered Plan H-50027, municipally known as 16051 Marsh Hill Road, made an application to the Township of Scugog (Zoning By-law Amendment Application Z/xx/2024) to amend Zoning By-law 14-14 under Section 34 of the Planning Act, to permit a single detached dwelling on private services;

AND WHEREAS the Council of the Corporation of the Township of Scugog (Council) held a public meeting (xxxxx) under Section 34 of the Planning Act with respect to this matter and has considered the application following that public meeting;

AND WHEREAS Council deems that adequate public notice has been given and no further public meeting is required;

AND WHEREAS the matters herein set forth are in conformity with the policies and designations contained in the Official Plans of the Region of Durham and the Township of Scugog as are currently in force and effect.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG HEREBY AMENDS ZONING BY-LAW 14-14 AS FOLLOWS:

1. **THAT** Schedule “A”, being Schedule C - Map 4 to By-law 14-14 is hereby amended by rezoning Part Lot 7, Concession 7, Lot 2 and Part of Lots 1 and 7, Registered Plan H-50027, municipally known as 16051 Marsh Hill Road, (Roll No.182001000231200), Ward 1, from Community Facility (CF) Zone to Hamlet Residential – Private Service (HR1) Zone, as shown on Schedule “A” attached to and forming part of this By-law;

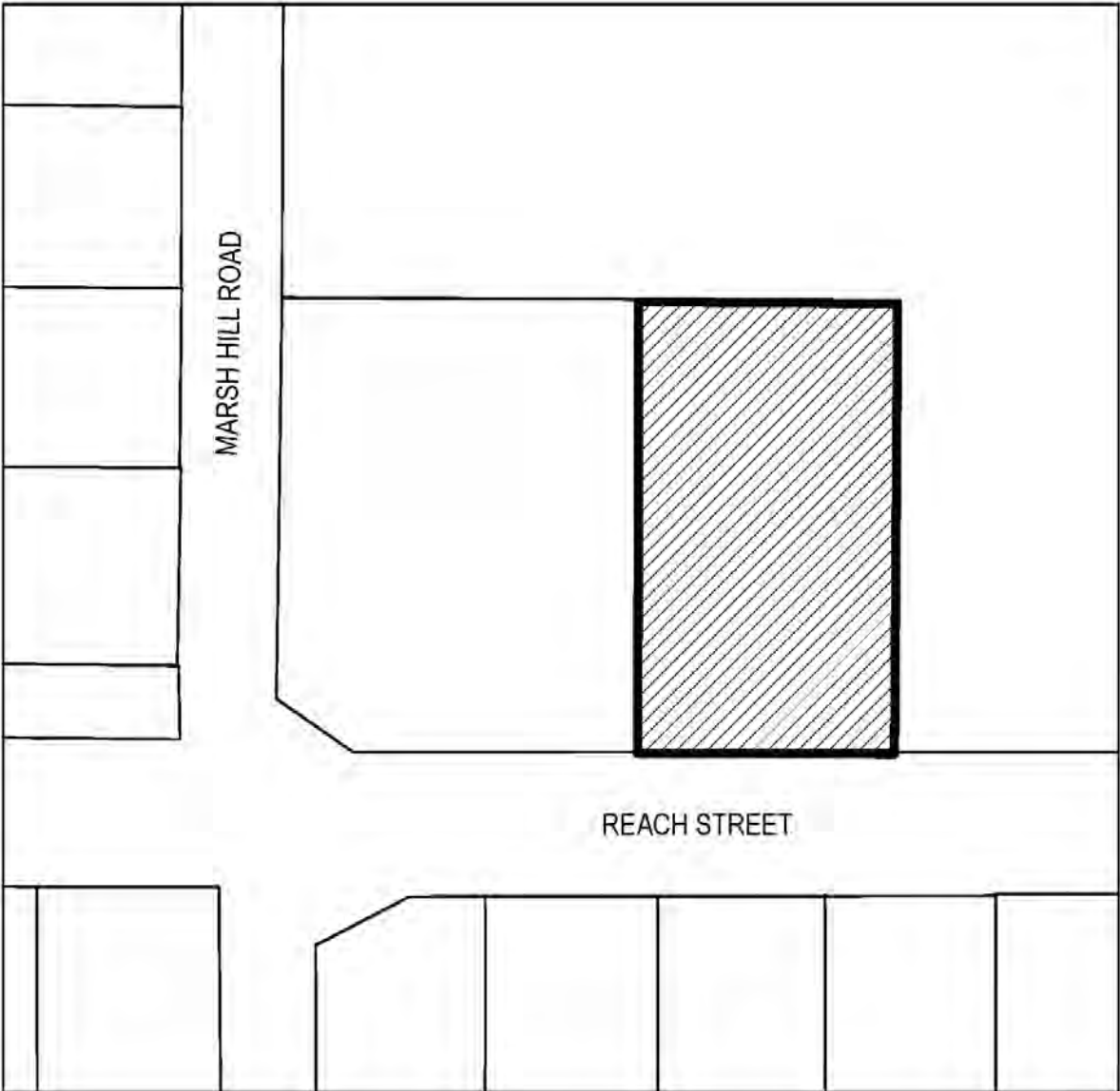
This By-law shall come into force in accordance with Section 34 of the Planning Act.

READ a First, Second and Third time and finally passed this XX day of MONTH, 2024.

MAYOR, Wilma Wotten

CLERK, Ralph Walton

SCHEDULE 'A' TO
BY-LAW NUMBER XX-24



THIS IS SCHEDULE A
TO BY-LAW NO. ____-24

PASSED THIS ____ DAY
OF _____, 2024

