

**Planning Justification Report
Zoning By-law Amendment and Plan of Subdivision
Township of Scugog
Regional Municipality of Durham
Twelve Stone Homes (c/o Stephen Meyer)**

September, 2023

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Figure 1: Aerial

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1. Introduction

Twelve Stone Homes (c/o Stephen Meyer) is the owner of the property municipally known as 22451 Simcoe Street. The property is located on the west side of Simcoe Street, north of Bank Road and south of the Nonquon River. A portion of the property is located within the Hamlet of Seagrave, while the remaining portion is located outside the Hamlet. The owner wants to subdivide the land located within the Hamlet boundary by plan of subdivision. The draft plan of subdivision proposes 12 residential lots for single detached dwellings, all serviced with private well and septic systems, a public road, and a block for stormwater management.

The current zoning of the property only permits one single family dwelling; therefore, a zoning by-law amendment is required to facilitate the plan of subdivision.

A pre-consultation meeting between the proponent, the Township of Scugog, the Region of Durham, and Kawartha Conservation Authority was held on January 26th, 2023, and a checklist was provided to the proponent and its consultants by the Region. The checklist requires the submission of the following documents in conjunction with applications for draft plan of subdivision approval and a zoning by-law amendment:

- Completed Region of Durham Subdivision Application
- Completed Township of Scugog Zoning By-law Amendment Application Form
- Draft Plan of Subdivision plus a reduced copy
- Archaeological Assessment
- Functional Servicing/Stormwater Management Report
- Geotechnical Report
- Hydrogeological Report
- Lot/Site Servicing Plan
- Noise Impact Study
- Planning Justification Report
- Preliminary Grading and Drainage Plan
- Scoped Natural Heritage Evaluation/Species at Risk Review
- Site Screening Questionnaire or Phase One Environmental Site Assessment
- Surveys (legal and topographical)
- Traffic Impact Study

This *Planning Justification Report* examines whether the proposed Plan of Subdivision and application to amend the Township's Zoning By-law: (i) comply with the Planning Act; (ii) are consistent with the Provincial Policy Statement, 2020; (iii) conform to the Growth Plan for the Greater Golden Horseshoe, 2019; (iv) conform to the Greenbelt Plan, 2017;

Planning Justification Report - Proposed Residential Development
22451 Simcoe Street – Hamlet of Seagrave – Township of Scugog

(v) conform to the Region of Durham's Official Plan, *1993 and 2023 (adopted OP)*; (vi) conform to the Township of Scugog's Official Plan, *2009*; and, (vii) meet the general principles of good planning.

2. Retainer

Michael Smith Planning Consultants; Development Coordinators Ltd. was retained in May of 2021 to prepare applications for Draft Plan Subdivision and Zoning By-law Amendment along with a *Planning Justification Report* to support applications.

3. General Description of Property and Proposed Development

The property is located on the west side of Simcoe Street, north of Bank Road and south of the Nonquon River in the Hamlet of Seagrave. It is municipally known as 22451 Simcoe Street and legally described as Part of Lot 24, Concession 13 and Part of Original Road Allowance between the Townships of Reach and Mariposa (refer to figure 1).

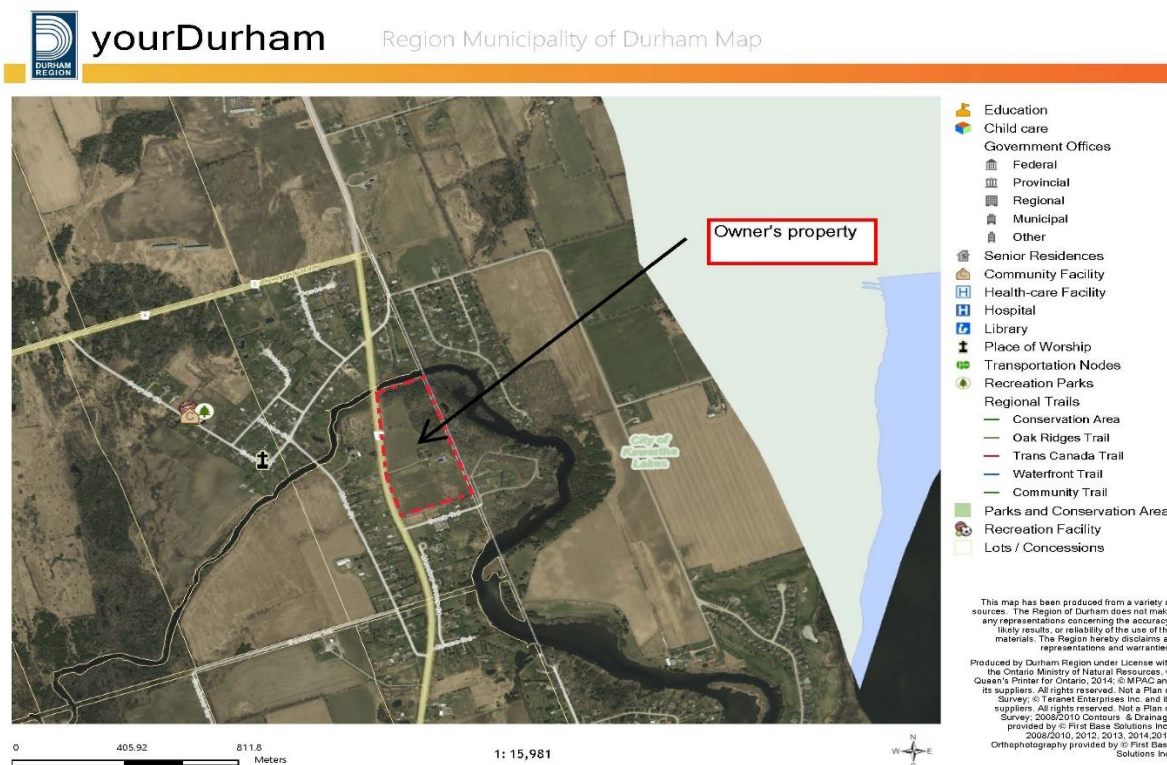


Figure 1: Aerial

Planning Justification Report - Proposed Residential Development
 22451 Simcoe Street – Hamlet of Seagrave – Township of Scugog

In May 2023, the owner applied to sever the property. The subject land of the consent includes the land outside of the Hamlet boundary and the retained land includes the land within the Hamlet boundary. The severance was given provisional approval on July 10th, 2023, but the conditions of consent have not yet been fulfilled (refer to figure 2).

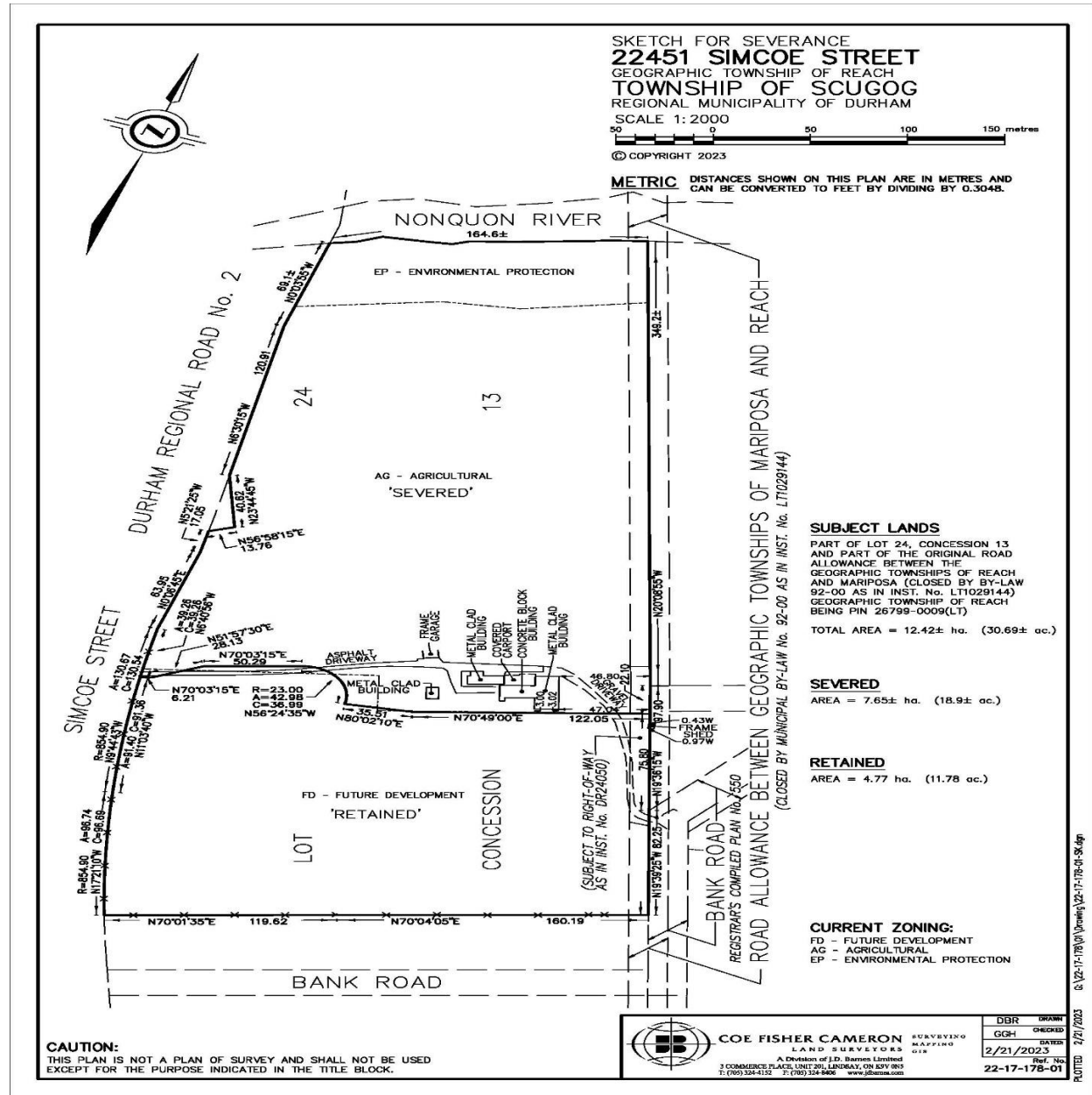


Figure 2: Severance Sketch

The property is approximately 4.77ha in size with 158.05 metres of frontage on Bank Road and 188.14 metres on Simcoe Street (refer to figure 1). It is vacant and currently used for agriculture (hay field). The property is generally flat with a gentle slope to the northwest (towards Simcoe Street). There are a few trees along the east, south and west property lines.

The draft plan is comprised of 12 lots for detached dwellings, one Block for a stormwater management pond, and one municipal road. The lots range in area from 2800m² to 4800m² (refer to figure 3).

The subject land is currently zoned *Future Development (FD)* according to the Township's Zoning By-law. Only legally existing uses as the date of passing of the by-law are permitted. Therefore, to facilitate the development the owner is submitting applications for draft plan of subdivision approval and a zoning by-law amendment.

4. Planning Act, R.S.O. 1990, c.P.13, as amended

According to Section 2 of the *Planning Act*, a decision of council of a municipality must have regard to matters of provincial interest. Further, Section 3(5) of the *Planning Act*, requires the decision of council to be consistent with the policy statements issued under the *Planning Act* and conform to provincial plans.

As outlined in this report, in the preparation of the Zoning By-law Amendment Application and the Plan of Subdivision Application, we have had regard to matters of provincial interest. Furthermore, it is our opinion that the applications are consistent with the provincial policy statement and provincial plans.

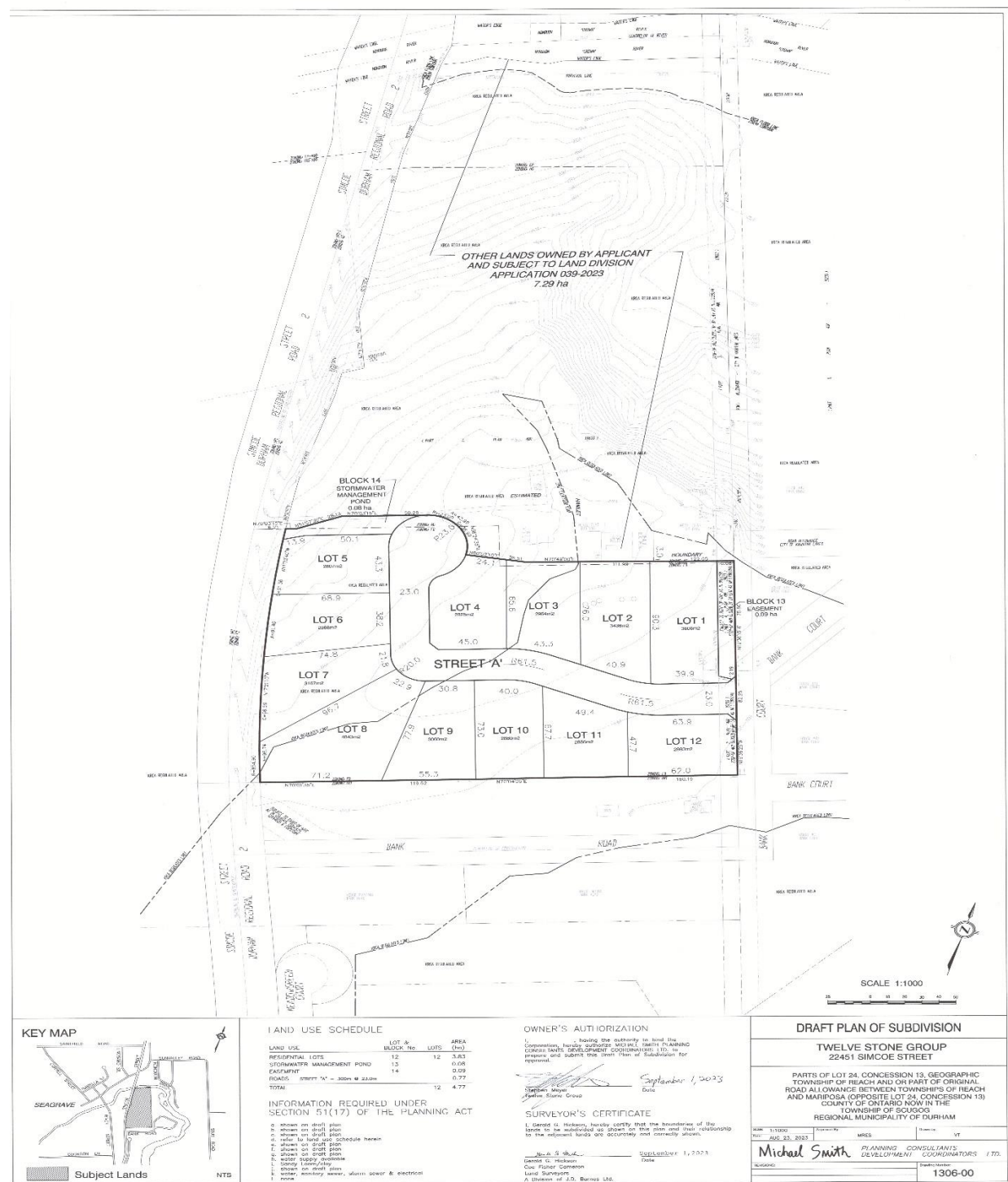


Figure 3: Draft Plan

5. Provincial Policy Statement (PPS), 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest related to land use planning and development. In addition, the *PPS* provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

(i) Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy 1.1.1., provides that *“Healthy, liveable and safe communities are sustained by: 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), recreational, park and open space, and other uses to meet the long-term needs;”*

The proposed development will add to the range and mix of housing types within the municipality.

(ii) Section 1.1.4 Rural Areas in Municipalities

The *PPS* provides that rural settlement areas shall be the focus of growth and development in rural areas. The vitality and regeneration of Rural Settlement Areas shall be promoted.

The land proposed for development (*“subject land”*) is within the boundary of the Hamlet of Seagrave which is a considered a Rural Settlement Area/Settlement Area. In addition, the development proposes to intensify an existing lot of record which will assist in the regeneration of the settlement area, while being constant with the rural character.

(iii) Section 1.4 Housing

The proposed development adds to the range of housing types and densities within the Hamlet of Seagrave. The development will be constructed within the boundary of the Hamlet, utilizing the existing infrastructure and proposing the appropriate services for the rural settlement area.

(iv) Section 1.6 Infrastructure and Public Service Facilities

Within this section of the *PPS*, it states that existing infrastructure should be optimized. By permitting development on the *subject land*, Simcoe Street will be better utilized.

(v) Section 1.6.6 Sewage, Water and Stormwater

Policy 1.6.6.4 provides the following, *“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development”*.

The proposed development is located within the Hamlet of Seagrave, municipal sewage and water services are not available, further, communal water and sewage services are also not planned or feasible. Therefore, the proposed development will be serviced by individual on-site sewage and water services. The Hydrogeological Study, completed by Cambium Inc. concludes that the development can be adequately serviced by private well and septic systems. In addition, the lots proposed are sufficient in size to provide for standard septic system and a reserve area.

(v) Section 2.2 Water

The Preliminary Stormwater Management Report addressing stormwater treatment, and the Pre-Development and Post-Development Water Balance Assessment has been submitted as part of the submission package.

(vi) Section 2.3 Agriculture

The *PPS* states that, *“prime agricultural areas shall be protected for long-term use for agriculture”*. As previously stated, the development is proposed on land within the Hamlet’s boundary. The consent application submitted by the owner sought to sever the agricultural land from the subject land of this development. The severed lands will continue to be used for agricultural purposes.

(vii) Section 3.1 Natural Hazards

The subject property does not contain any Natural Hazards as identified in Section 3.1 of the *PPS*.

It is therefore our opinion that the proposed development and applications are consistent with the *PPS*.

5. Growth Plan for the Greater Golden Horseshoe (GP), 2019

The *Growth Plan (GP)* is the Province of Ontario's initiative to plan for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. In this regard, the *GP* provides policies that implement the province's vision for building strong, prosperous communities.

According to the *GP*, rural settlements consist of existing hamlets that are long-standing and identified in official plans. The subject land is located within the Hamlet of Seagrave which is a long-standing hamlet identified in The Durham Region Official Plan.

The *GP* allows limited growth within in rural settlements that are not serviced with municipal water and sewer and located within the Greenbelt Plan.

The proposed development will consist of 12 lots for single detached homes and will be serviced by individual on-site sewage and water services. We believe that the proposed development can be considered as limited growth.

It would be our opinion that the applications and proposed development would conform to the *GP*.

6. Greenbelt Plan (GBP), 2017

According to Schedule 1 of the *Greenbelt Plan (GBP)*, the subject land is located within a Hamlet. According to Schedule 4 of the *GBP*, the property is not within the Natural Heritage System.

According to Section 3.4.4 - Hamlet Policies – *"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 and except 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 development proposes appropriate intensification through the development of underutilized land within the Hamlet boundary. Further, the proposed lots can be serviced with private well and septic systems, in conformity with the Region's policies.

We have reviewed policies 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2 of the *GBP* and it is our opinion that the proposed development conforms to the above noted policies.

According to Section 5.4.2 - Boundaries Internal to the Greenbelt Plan - *“Boundaries of Towns/Villages are shown on the schedules of this Plan, but for detailed delineation and the boundaries of Hamlets, which are only shown as symbols, reference must be made to official plans”*.

According to the Township of Scugog’s Official Plan, the subject land is located within the Hamlet of Seagrave.

It is our opinion that the application and proposed development conform to the *GBP*.

7. Region of Durham Official Plan (ROP), 1993

According to Schedule ‘A’ – ‘Map A1’ of the *Region of Durham Official Plan (ROP)*, the subject land is located within the Hamlet of Seagrave, and, in this regard, the proposed development is subject to the policies in Sub-Section 9B.

The *ROP* identifies Hamlets, County Residential Subdivisions, Shoreline Areas and Rural Employment Areas as Rural Settlements.

Policy 9B.1.2 provides that careful consideration to the natural, built and cultural environments shall be given prior to development in a Rural Settlement. There are no natural features and/or built or cultural features on the subject land. The development proposes 12 lots that are to be serviced by individual on-site sewage and water services.

Policy 9B.1.3 advises the reader that Hamlets are the predominant location of residential development within the rural area of Durham Region.

Policy 9B.2.3 provides that single detached dwellings shall be dominant housing form in Hamlets.

Policy 9B.2.6 states that, *“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 the Environment, Conservation and Parks....”*.

The proposed subdivision will be individually serviced by private water and wastewater systems. A Hydrogeological Report was completed for the proposed development. The report concludes that the development of 12 residential dwellings is feasible. Further the report states *“The nitrate loading calculations indicate that the concentration of nitrate at the boundary of the development area will be 9.82mg/L if 12 dwellings are constructed”*.

Further, the report concludes that *“the site can sustain the development of 12 new residential lots without inducing a negative impact on the quality or quantity of on-site and off-site groundwater resources”*.

Policies 9B.2.7 and 9B.2.8 speak to the delineation of Hamlet boundaries in both the Region’s and local municipalities’ Official Plans. As previously noted, the Subject Land is within the Hamlet boundary of Seagrave which was determined by the Region of Durham and the Township of Scugog using the criteria in policies 9B.2.7 and 9B.2.8.

Policy 9B.2.11 provides the following requirements, *“With the exception of limited infilling as described in Policy 9B.2.10, development within a Hamlet shall proceed by plan of subdivision. In addition to the requirements of the Planning Act, an application for approval of a draft plan of subdivision within a Hamlet shall be accompanied by:*

- a) a recent hydrogeological report, based on test wells on the subject site, addressing existing conditions and the potential impact of the proposed subdivision on the available water supply in terms of quantity, quality and sustainable yield for both the proposed and existing wells. The report shall also assess the potential impact of proposed private sewage disposal systems on the groundwater supply in terms of bacterial and chemical parameters, as determined by the Region and the Ministry of the Environment, Conservation and Parks;*

As stated above, a Hydrogeological Report was completed for the proposed development, and has been submitted as part of the submission package for the Zoning By-law Amendment Application and Plan of Subdivision Application.

- b) a lot servicing plan, indicating the proposed location of all structures, drilled wells and the subsurface sewage disposal system envelopes, including a 100% replacement area for each inground conventional Class 4 sewage disposal system;*

A servicing plan has been provided.

- c) in the case of Hamlets that are serviced by municipal water supply, a report demonstrating to the satisfaction of the Region, that development on partial municipal services is feasible and sustainable;*

As previously stated, the proposed subdivision will be serviced by private water and wastewater services; therefore, this requirement has not been provided as part of the submission package.

- d) *a report of the results of a soil sampling program that adequately represents the geology of the subdivision; and*

A Geotechnical Investigation has been provided as part of the submission package.

- e) *an existing and final grading plan, indicating elevations and lot drainage patterns”.*

A Grading Plan indicating elevations and lot drainage has been provided as part of the submission package.

Policy 9B.2.13 advises that Hamlet development shall only be permitted to proceed if the required technical studies conclude that the development on individual private services is sustainable. The submitted technical studies conclude that the proposed development on private services is sustainable.

Given the above, it is our opinion that the applications and proposed development conform to the *ROP*, 1993.

8. Adopted Region of Durham Official Plan (AROP), 2023

On May 17th, 2023, Council for the Region of Durham adopted a new official plan. The AROP still requires Provincial approval and in that regard is subject to change. However, as the AROP is a new planning instrument, prepared in combination with new Provincial policy/plans, and reflects Council's vision on how Durham should grow, it should be reviewed as part of this Planning Justification Report.

According to Map 1 of the AROP, the Subject Land is located within the Hamlet of Seagrave, and, in this regard, the proposed development is subject to the policies in Section 6.5 – Rural Settlements.

Like the current ROP, the AROP identifies Hamlets, County Residential Subdivisions, Shoreline Residential Areas, Residential Clusters and Rural Employment Areas as Rural Settlements. It further provides that Rural Settlements are the focus of modest growth and the vitality and regeneration of Rural Settlements is critical to the economic prosperity of Durham.

Policy 6.5.1 provides that individual on-site sewage and water services can be used only where municipal sewage and water services or communal sewage and water services are not available, planned or feasible. Further this permission is only applicable where site conditions are suitable with no negative impacts.

Policy 6.5.4 further requires development within Rural Settlements be limited to infilling and minor rounding out of existing development, subject to the ability to service the use(s) by individual private on-site water and wastewater systems where groundwater quality and quantity permits, and in compliance with the standards of the Region of Durham Drilled Wells and Lot Sizing Policies and the Ministry of the Environment, Conservation and Parks.

The proposed subdivision will be individually serviced by private on-site sewage and water services as municipal services are not available and a communal system is not feasible. A Hydrogeological Report was completed for the proposed development. The report concludes that the development of 12 residential dwellings is feasible. Further the report states *“The nitrate loading calculations indicate that the concentration of nitrate at the boundary of the development area will be 9.82mg/L if 12 dwellings are constructed”*.

Further, the report concludes that *“the site can sustain the development of 12 new residential lots without inducing a negative impact on the quality or quantity of on-site and off-site groundwater resources”*.

Policies 6.5.6 to 6.5.15 (inclusive) deal specifically with development within Hamlets. Policies 6.5.7, 6.5.10, 6.5.11 encourage Hamlets to be the focus of moderate growth, compatible with surrounding land uses and the rural landscape and do not extend or promote strip development.

According to 2021 Census information the Hamlet of Seagrave contains 141 private dwellings and has a population of 396 people. The predominant form of housing in the Hamlet is single detached dwellings.

The development proposes 12 lots for single detached dwellings. The lots are of a similar size and shape as other lots in the Hamlet. It is therefore our opinion that the proposal constitutes moderate growth, is compatible with the surrounding land uses and rural landscape and will not promote strip development.

Policy 6.5.9 of the AROP provides *“Required growth in Hamlets be limited to minor infilling subject to the ability to service the growth with individual on-site water and individual on-site sewage services.”* A Hydrogeological Assessment has been prepared that concludes the development can be sustained on private services.

Policy 6.5.14 states the following *“Require that development within a hamlet proceed by plan of subdivision except for limited infilling as described in 6.5.13. In addition to the requirements of the Planning Act, an application for approval of a draft plan of subdivision within a hamlet shall be accompanied by:*

- a) *a recent hydrogeological report, based on test wells on the subject site, addressing existing conditions and the potential impact of the proposed subdivision on the available water supply in terms of quantity, quality and sustainable yield for both the proposed and existing wells. The report shall also assess the potential impact of proposed private sewage disposal systems on the groundwater supply in terms of bacterial and chemical parameters, as determined by the Region and the Ministry of the Environment, Conservation and Parks;*

As stated above, a Hydrogeological Report was completed for the proposed development, and has been submitted as part of the submission package for the Zoning By-law Amendment Application and Plan of Subdivision Application.

- b) *a lot servicing plan, indicating the proposed location of all structures, drilled wells and the subsurface sewage disposal system envelopes, including a 100% replacement area for each inground conventional Class 4 sewage disposal system;*

A servicing plan has been provided.

- c) *in the case of hamlets that are serviced by municipal water supply, a report demonstrating to the satisfaction of the Region, that development on partial municipal services is feasible and sustainable;*

As previously stated, the proposed subdivision will be serviced by private water and wastewater services; therefore, this requirement has not been provided as part of the submission package.

- d) *a report of the results of a soil sampling program that adequately represents the geology of the subdivision; and*

A Geotechnical Investigation has been provided as part of the submission package.

- e) *an existing and final grading plan, indicating elevations and lot drainage patterns”.*

A Grading Plan indicating elevations and lot drainage has been provided as part of the submission package.

In light of the above, it is our opinion that the proposed development and applications would conform to the Region’s adopted Official Plan.

9. Township of Scugog Official Plan (SOP), 2009

According to Schedule A and H-8 of the *Township of Scugog Official Plan (SOP)*, the Subject Land is within the Hamlet Boundary of Seagrave.

Section 5.3 of the *SOP* provides the policies for development in Hamlets.

Section 5.3.1 of the *SOP* provides Objectives for the Hamlet designation. 5.3.1 b) provides that the character and amenities of rural communities are to be maintained. 5.3.1 c) provides that non-farm rural development be directed to an area of similar development. 5.3.1 e) provides that new development in hamlets is to be sustained by partial or private services.

Through the development approval process and, if approved, conditions of draft approval, the approval authorities can ensure the character and amenities of the Hamlet of Seagrave are maintained. Therefore, 5.3.1 b) is achieved.

The development proposes 12 detached dwelling lots within the Hamlet of Seagrave on private services. The predominant built form in Seagrave is detached dwellings on private services. Therefore, 5.3.1 c) is achieved.

A Hydrogeological Report was completed for the proposed development and has been submitted as part of the submission package for the Zoning By-law Amendment Application and Plan of Subdivision Application. The report demonstrates that the development can be sustained on private services. Therefore, 5.3.1 e) is achieved.

Policy 5.3.2 sets forth the permitted uses within Hamlets. Policy 5.3.2 a) permits Single-detached dwellings.

Policy 5.3.3 of the *SOP* provides the General Development Policies for the identified Hamlets within the plan.

5.3.3 a) provides that there are to be no Hamlet boundary expansions over the planning horizon of the *SOP*. The development is not proposing a boundary expansion.

Policy 5.3.3 b) provides that “*Residential development shall occur generally by plan of subdivision....*”. The development proposes 12 lots created via a plan of subdivision.

Policy 5.3.3 c) provides the following *“In addition to the requirements of the Planning Act, an application for approval of a draft plan of subdivision within a Hamlet shall be accompanied by:*

- i) A current hydrogeological report, based on test wells on the subject site, addressing existing conditions and the potential impact of the proposed subdivision on the available water supply in terms of quantity, quality and sustainable yield for both the proposed and existing wells. The report shall also assess the potential impact of proposed private wastewater systems on the groundwater supply in terms of bacterial and chemical parameters, as determined by the Durham Region Health Department and the Ministry of the Environment;*
- ii) A lot servicing plan, indicating the proposed location of all structures, drilled wells and the subsurface wastewater system envelopes, including a 100 percent replacement area for each in ground conventional Class 4 sewage disposal system;*
- iii) In the case of Blackstock which is serviced by municipal water supply, a report demonstrating to the satisfaction of the Region of Durham that development on partial municipal services is feasible and sustainable as an interim servicing solution pending the availability of full municipal or communal services;*
- iv) A report of the results of a soil sampling program that adequately represents the geology of the subdivision; and,*
- v) An existing and final grading plan indicating elevations and lot drainage patterns.”*

In terms of items i), ii), iv) and v) above, a Hydrogeological report, Geotechnical report, site servicing drawing and an overall grading plan have been provided with the applications. Item iii) is not applicable to the proposed development.

Policy 5.3.3 d) states *“Multi-lot residential development shall require the preparation of a hydrogeological study satisfactory to the Township and the Region of Durham”*. As previously noted, a Hydrogeological report has been provided to the Township and the Region of Durham.

Policy 5.3.3 f) provides *“The minimum lot size in a Hamlet shall not be less than that required for the safe and efficient operation of private individual water and wastewater services on the site...”*. As previously noted, a Hydrogeological report and site servicing drawing have been prepared demonstrating conformity with this policy. The proposed lots are sufficient in size to accommodate private individual wells and septic systems.

Policy 5.3.3 g) states *“New development shall be designed to maintain the historic rural character of the Hamlet areas. The built form and building materials should reflect this character. The Township may use Site Plan Control within the Hamlet areas to ensure that new development is compatible with the existing community”*. With the passing of Bill 23 by the Province, site plan approval is not applicable to this development. It is anticipated that through a draft plan condition the Township will require an Architectural Design Report that will address this policy.

Given the information above, it is our opinion that the proposed development and submitted applications are in conformity with the Township’s Official Plan.

11. Township of Scugog Zoning By-law, 14-14

According to Map 2 of Schedule C to Zoning By-law 14-14, the subject land is zoned *Future Development (FD)*. The application for an amendment to the zoning by-law proposes to change the current Future Development (FD) zone to a site-specific Hamlet Residential – Private Services (HR1-XX) zone.

At this time, the only site-specific provision proposed is for lot frontage. The zoning by-law requires a minimum lot frontage of 30m, whereas lots 7 and 8 in the proposed draft plan have frontages of approximately 22m and 23m, respectively. It is noted that lots 7 and 8 have lot areas more than the minimum required. It is understood that through the approval process and potential detailed design process, it may become necessary to request several other site-specific provisions. If site-specific provisions are deemed to be required additional justification will be provided at that time.

12. Conclusion

Applications for draft plan of subdivision and to amend the Township’s Zoning By-law have been submitted to the Region of Durham and the Township of Scugog. The proposed draft plan of subdivision includes 12 lots, a municipal road (Street ‘A’) and a block for a stormwater management pond. The 12 detached dwellings on individual lots serviced will be serviced by individual wells and wastewater systems.

The subject land is located within the Hamlet of Seagrave. The land is currently vacant and actively farmed.

The property is currently zoned *Future Development (FD)*. The current zoning does not permit the proposed development. The zoning amendment application seeks to rezone the property from *Future Development (FD)* to a site-specific *Hamlet Residential – Private Services (HR1-XX)* zone, to facilitate the development.

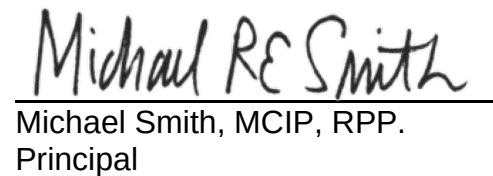
It is our professional opinion that the proposed development and the applications for draft plan of subdivision and an amendment to the Township's Zoning By-law:

- 1) Are consistent with the Provincial Policy Statement.
- 2) Conform to the policies of the Growth Plan and Greenbelt Plan.
- 3) Conform to the policies of the current Durham Region Official Plan.
- 4) Conform to the policies of the adopted Durham Region Official Plan.
- 5) Conform to the policies of the Township of Scugog Official Plan.
- 6) Represent good planning.
- 7) Are in the public interest.

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