

PLANNING JUSTIFICATION REPORT

in support of
an application for a
Zoning By-law Amendment
and a Plan of Subdivision

for
Charlebois Properties Inc.

for lands located on the
West side of Overhead Bridge Road
North of Concession 12 East

Part Lot 9, Concession 12

in the
Township of Tiny
County of Simcoe

December 5, 2020

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1.0 INTRODUCTION

Celeste Phillips Planning Inc. has been retained by Charlebois Properties Inc. to request approvals for a Zoning By-law Amendment (ZBA) and a plan of subdivision for lands located on the west side of Overhead Bridge Road, north of Concession 12 East. The property is legally described as Part of Lot 9, Concession 12, Township of Tiny,

This report presents my professional planning opinion and includes a synopsis of applicable Provincial, County and Municipal planning policies as they relate to the subject lands. Further, this report provides the background and rationale relative to the applications.

2.0 BACKGROUND

2.1 LOCATION

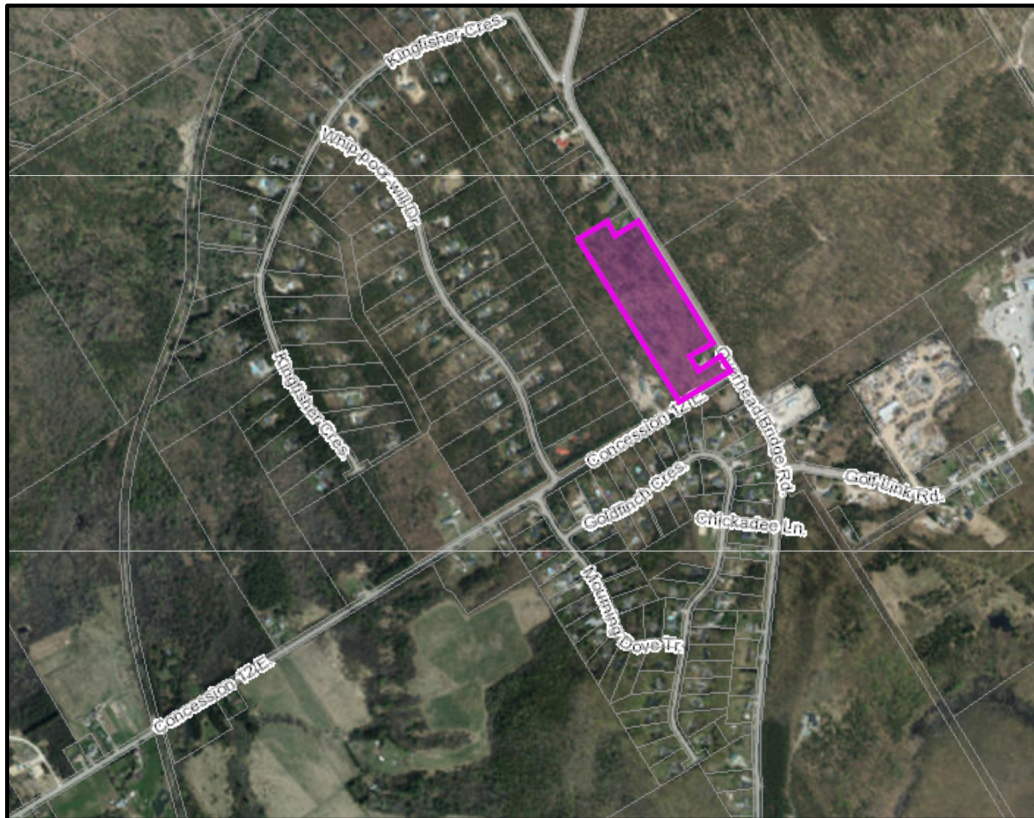
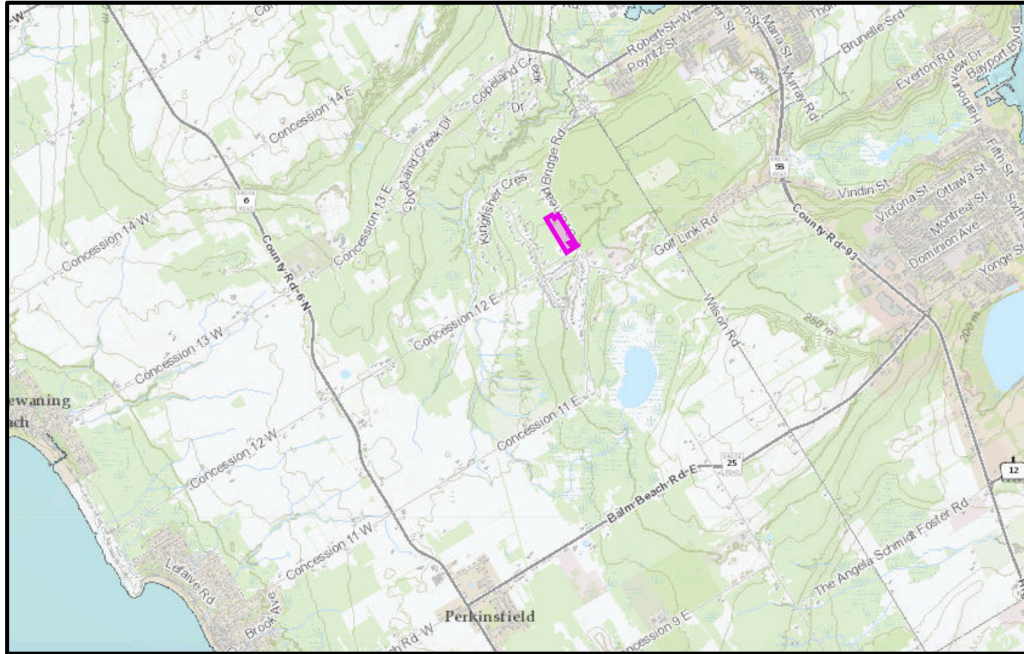
The Charlebois property consists of approximately 5.6 hectares (13.8 acres), and is located on the west side of Overhead Bridge Road, north of Concession 12 East in the Township of Tiny. The property is currently vacant.

The land is relatively flat and treed and slopes gently downward to the north. The property has 365 metres of frontage along the west side of Overhead Bridge Road and 137.16 metres of flankage along Concession Road 12 East.

The subject lands, illustrated on **Figure 1** are surrounded by the following land uses:

- North: Single detached dwellings.
- East: Overhead Bridge Road and beyond that, vacant lands.
- South: A single detached residential dwelling fronting Overhead Bridge Road and beyond that, vacant lands and residential dwellings that face onto Goldfinch Crescent.
- West: A single detached dwelling, vacant lands, and beyond that, residential dwellings fronting onto Whip-poor-will Drive.

Figure 1: Location Maps



2.2 OFFICIAL PLAN DESIGNATION AND ZONING

The lands are designated Rural in the County of Simcoe Official Plan. On “Schedule A - Land Use” in the Township Official Plan, the lands are designated Country Residential. Schedule B to the Township Official Plan does not show the property being affected by any Natural Features, although lands to the west, that are developed with single detached dwellings, have a Significant Woodland designation.

Maps B-7 and B-8 from the Township’s Zoning By-law show that the property is currently zoned Future Development (FD). It is noted that the single detached dwelling to the immediate north and the single detached dwelling that is surrounded on three sides by the subject property (to the south) are both zoned Rural Residential (RR). However, the subdivision lots on Goldfinch Crescent and Whip-poor-will Crescent are all zoned Country Residential (CR).

A Pre-Consultation meeting was held with County and Township planners (also involving representatives from the Severn Sound Environmental Association and the Township’s Engineering Department) on November 17, 2020, and a follow up meeting was held with the County planners on November 23, 2020. As a result of these meetings, a determination was made that two planning applications would be required, an application to rezone the lands from Future Development (FD) to Country Residential (CR), and a plan of subdivision application.

An Official Plan Amendment is not required, nor are any site-specific zone standards contemplated for the proposed six lot subdivision.

2.3 TECHNICAL REPORTS

In consultation with the Township and County, the list of supporting reports were determined and completed as follows:

- Stage 1-2 Archaeological Property Assessment, Amick Consultants Ltd.
- Functional Servicing and Stormwater Management, WMI & Associates Limited.
- Correspondence regarding Soils and Percolation Rates, Terraprobe Inc.
- Hydrogeology Assessment, Wilson Associates Ltd.
- Scoped Environmental Impact Study, Orion Environmental Solutions.
- Planning Justification Report, Celeste Phillips Planning Inc.

The reports/studies have concluded that the proposed creation of six lots will meet all applicable requirements of the Province, County, Township and the Severn Sound Environmental Association.

A copy of each of the above-noted reports as well as the plan of subdivision, application forms and draft zoning by-law can be accessed at:

<https://drive.google.com/drive/folders/1CzoQ4b88EP0oXt9Z-nP6wCWNmdDmZSzn?usp=sharing>

3.0 PROPOSED DEVELOPMENT

Schedule A to the Official Plan for the Township of Tiny has applied the Country Residential designation to “developed and undeveloped areas that were approved for estate and country residential development” on the date that the Official Plan was adopted by Township Council (September 2000). Single detached dwellings are a permitted use in this designation.

The current zone, Future Development (FD), permits only 5 uses: an agricultural use, a conservation use, a detached dwelling, a forestry use, and a nature interpretation centre. Given the Official Plan designation of the lands as Country Residential, a rezoning of the lands from the Future Development (FD) zone to the Country Residential (CR) zone has been determined to be the most appropriate approach to facilitate the proposed development. The standards of the Country Residential (CR) zone are extracted from Zoning By-law 06-001 and are as follows:

Zone Standard	Country Residential Zone
Minimum lot area	8000 square metres
Minimum lot frontage	45 metres
Minimum front yard setback	8.0 metres
Minimum exterior side yard	8.0 metres
Minimum interior side yard	4.0 metres
Minimum rear yard setback	7.5 metres
Minimum ground floor area	102 square metres
Maximum lot coverage	30 percent
Minimum landscaped open space	Not applicable
Maximum height of building	11.0 metres

The proposal is to create six lots on the Charlebois property by way of plan of subdivision approval. Four of the lots would have frontage of 69 metres on Overhead Bridge Road, one would have a frontage of 51.7 metres, and the sixth lot at the southern part of the property would have a frontage of 38.1 metres on Overhead Bridge Road, but would likely see a house constructed facing Concession Road 12 East, where there would be 137 metres of frontage. A daylighting triangle of 3 m x 3 m is proposed at the intersection of Concession Road 12 East and Overhead Bridge Road. Development of the lots with single

detached dwellings is anticipated to conform to all of the above noted zone standards.

The proposed plan of subdivision is shown in **Figure 2**.

4.0 REVIEW OF APPLICABLE PLANNING POLICIES

4.1 PROVINCIAL POLICY STATEMENT, 2020

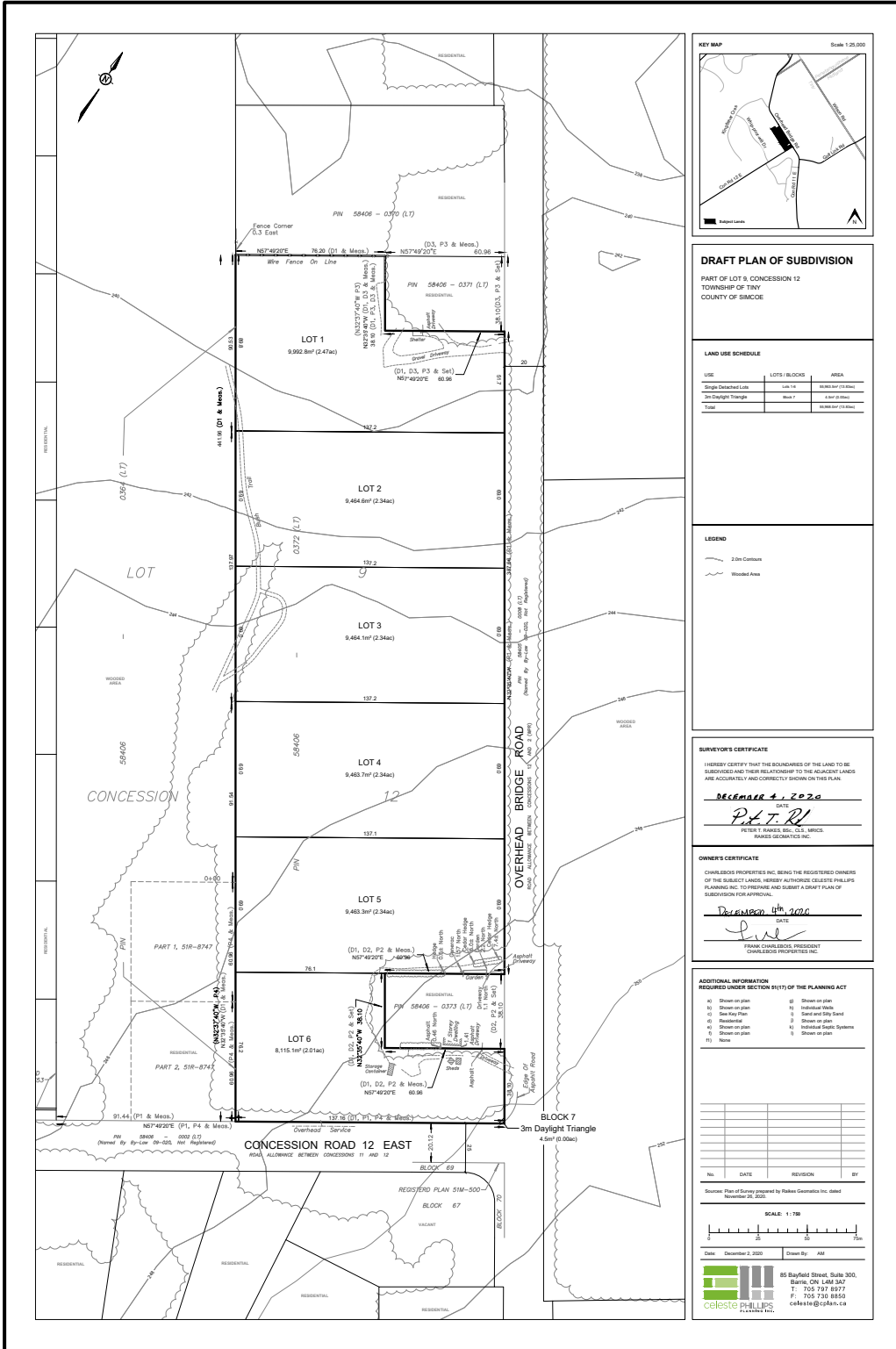
The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides planning policy direction on matters of Provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating the development and use of land in Ontario. It is noted that all planning decisions made in the Province of Ontario are required to be consistent with the Provincial Policy Statement.

While the focus of growth set out in the Provincial Policy Statement is toward development in settlement areas, the Provincial policies do recognize the importance of rural areas in municipalities. Rural lands are defined in the Provincial Policy Statement as *“lands which are located outside settlement areas and which are outside prime agricultural areas.”* As the settlement areas in the Township of Tiny are established as Perkinsfield, Toanche, Wyevale, Lafontaine and Wyebridge, and the subject lands are not a prime agricultural area, the Charlebois ownership is considered to be ‘rural lands’ per the Provincial definition.

The new Provincial Policy Statement encourages a range of housing options, including new development as well as residential intensification to respond to current and future needs. A summary of relevant policies is as follows:

- Residential development is permitted on rural lands, including lot creation that is locally appropriate (Policy 1.1.5.2 c). As noted, the Charlebois lands are located to the north and east of subdivision lands that are designated and zoned Country Residential and adjacent to two lots that are zoned Rural Residential. The proposed six lot subdivision reflects lot sizes that are appropriate for the local area.
- The location of the 6-lot subdivision, and the proposed lot sizes are compatible with the rural landscape and can be sustained by rural service levels (Policy 1.1.5.4).
- There is no requirement to extend municipal infrastructure to accommodate the proposed subdivision as the new lots can be appropriately developed with private services (Policy 1.1.5.5).

Figure 2: Proposed Plan of Subdivision



- There is no need to separate the proposed land uses from other uses, as the area has been developed with similar sized lots (Policy 1.1.5.6).
- There will be no impact to agricultural uses, as the proposed lots are located within an area that has been developed with similar type estate residential lotting and the property is not proximate to any agricultural uses (Policies 1.1.5.7, 1.1.5.8, 2.3.1, 2.3.3.3).
- The proposed 6 lots will add to the range of housing options available for current and future residents of the Township (Policies 1.4.1, 1.4.3).
- Individual wells and an on-site septic systems are permitted by the policies of the new Provincial Policy Statement and the proposed lots are of sufficient size to accommodate such private services (Policy 1.6.6.4).
- Natural heritage features have been assessed and a screening for Species at Risk has been undertaken. There will be no significant impacts to the natural features as it is expected that a majority of the trees will remain (Policy 2.1).

Based on the foregoing, it is my opinion that the proposed 6 lot subdivision is consistent with the policies set out in the Provincial Policy Statement, 2020.

4.2. GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe was prepared and approved under the Places to Grow Act, 2005 and was updated in 2017 and most recently in May 2019. This document contains policies to manage growth to the year 2041 and is to be read in conjunction with the Provincial Policy Statement.

This Growth Plan document guides decisions on a wide range of issues, including transportation, infrastructure, land use planning, urban form, housing, natural heritage and resource protection. All Regional and Municipal documents in the Greater Golden Horseshoe are required to conform to the policies of this Plan.

Similar to the Provincial Policy Statement, the vast majority of growth will be directed to settlement areas (2.2.1) but rural residential uses are permitted. The proposed Charlebois subdivision:

- is compatible with the rural landscape and surrounding local land uses (Policy 2.2.9.3.c.i)
- can be sustained by rural service levels (Policy 2.2.9.3.c.ii), and,
- will not adversely affect agricultural and other resource-based uses such as mineral aggregate operations (Policy 2.2.9.3 c.iii).

Multiple lot subdivisions are allowed on rural lands with approved zoning or designation in an Official Plan that permitted this type of development as of June 16 2006 (Policy 2.2.9.5). As noted, the Charlebois lands have been designated for Country Residential development since 2000.

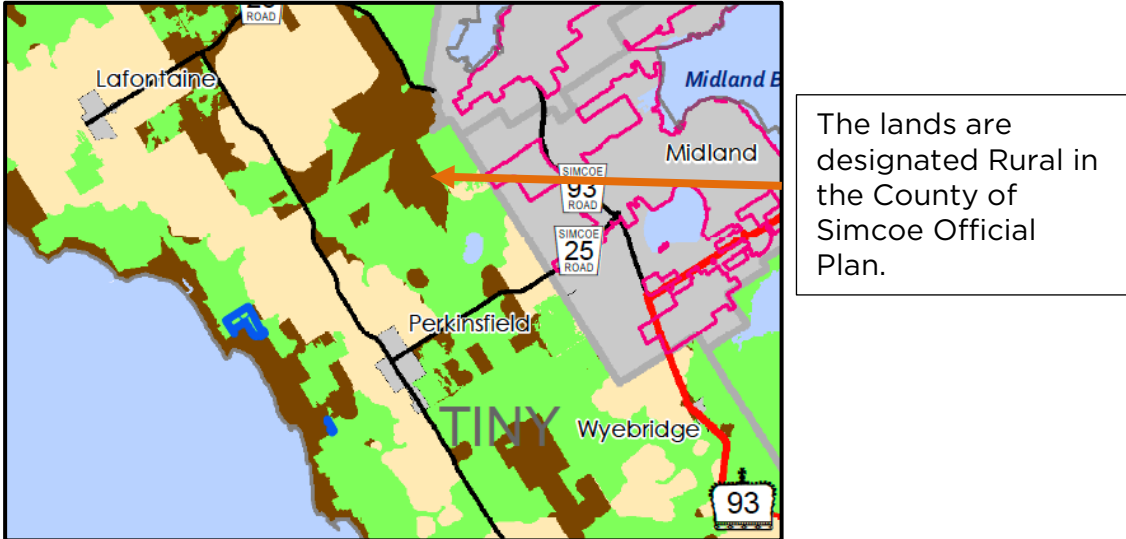
Section 4.2 of the Growth Plan contains policies related to the natural heritage system and associated mapping. The Scoped Environmental Impact Study by Orion Environmental Solutions forms part of the documents submitted in support of the applications for subdivision approval and rezoning. The Orion report concludes that the Charlebois property can be developed without any adverse impacts on significant natural heritage features. It is noted as well that the site does not meet the Ministry of Natural Resources and Forestry’s criteria for significant woodlands.

Based on my site visit to the property and review of the location and sizes of the proposed lots, as well as the completion of technical reports and communication with the Severn Sound Environmental Association (SSEA), it is my opinion that the proposal conforms with the Growth Plan for the Greater Golden Horseshoe, 2019.

4.3 COUNTY OF SIMCOE OFFICIAL PLAN

The County of Simcoe Official Plan provides the land use policies for planning in the County. The Charlebois lands are designated Rural on Schedule 5.1 to the County of Simcoe Official Plan as shown in **Figure 3**.

Figure 3: Schedule 5.1 to the County Official Plan (extract)



The County of Simcoe Official Plan permits limited residential development in the Rural land use designation (Policy 3.7.4) subject to the policies of Policy 3.7.11. This policy states that: *“New multiple lots and units for residential development will be directed to settlement areas and may be allowed in rural areas in site-specific locations with approved zoning or designation that permits this type of development in local municipal official plans, as of June 16, 2006.”* The local municipal Official Plan permits residential development in the Country Residential designation.

The proposed development is not proposed to have any negative impact on any significant natural heritage features and areas, and cultural features Policy 3.7.10) as set out in the Scoped Environmental Impact Study (Orion Environmental Solutions) and the Stage 1-2 Archaeological Study (Amick Consultants Ltd.).

The proposed plan of subdivision conforms to the Lot Creation policies set out in the General Development Policy section of the County of Official Plan as follows:

- Only one detached dwelling is proposed for each lot (Policy 3.3.1)
- The subdivision of land maintains the intent of the County Plan’s objectives and policies (Policy 3.3.2).
- The proposed lot will have access to and frontage on a public road (Policy 3.3.4).
- The local municipality will require the owner to enter into a subdivision agreement (Policy 3.3.9) prior to development of the lots.
- The location of the proposed development complies with the Minimum Distance Separation Formulae as prepared by the Province as there are no nearby livestock facilities and no land use conflict with any agricultural use (Policy 3.3.14).
- There are no significant wetlands, significant coastal wetlands that will be impacted by the proposed lot creation (Policy 3.3.15 i).
- The Township of Tiny Official Plan has not identified natural heritage features on the subject property (Policies 3.3.15 ii, 3.3.15 iii)
- A Scoped Environmental Impact Study has been prepared by Orion Environmental Solutions and no fish habitat, endangered or threatened species were found (Policies 3.3.15 v, 3.3.15 vi).
- Servicing and stormwater management of the property and a review of potential traffic issues has been undertaken by WMI & Associates Limited (Policies 3.3.19, 3.3.20).

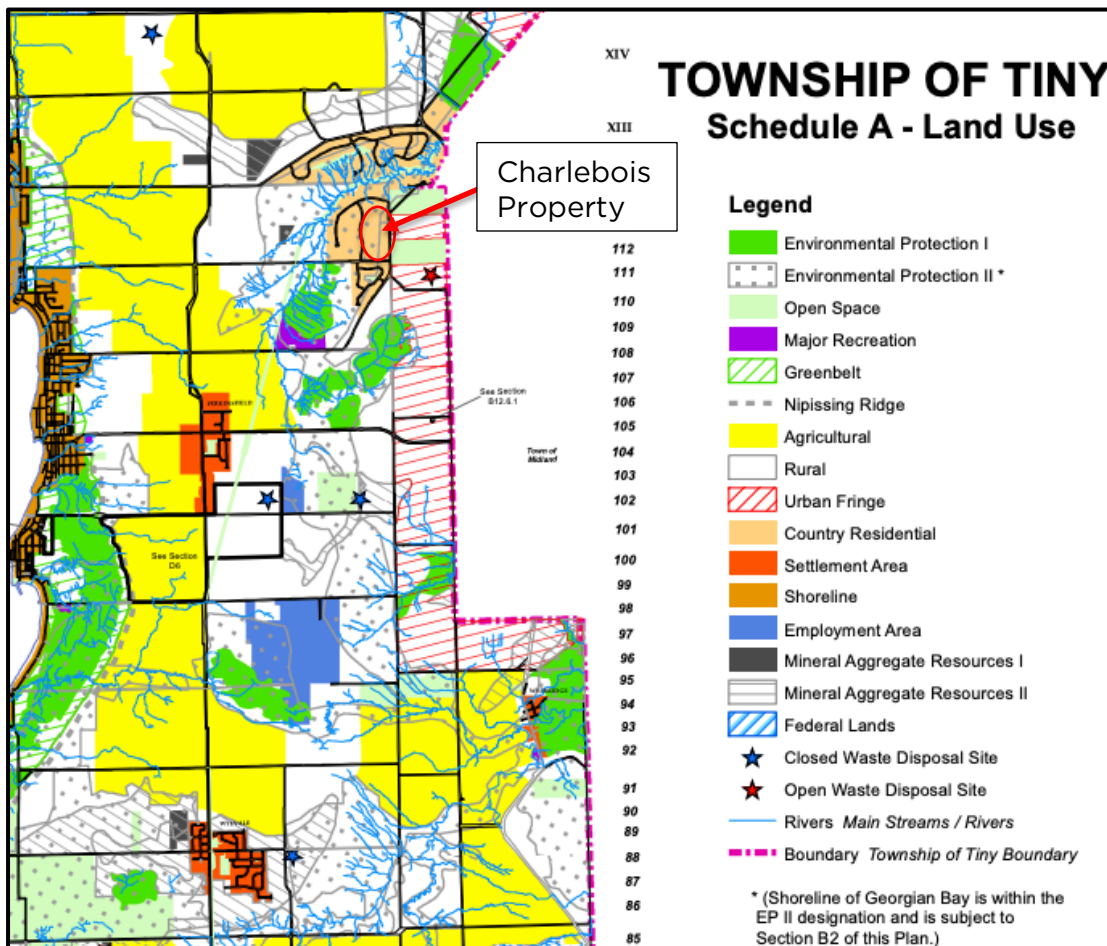
- The proposed lots are unlikely to adversely affect adjacent uses in terms of odour, noise vibration, particulates or other emissions (Policy 3.3.21).

As a summary of relevant policies of the County of Simcoe Official Plan, it is my planning opinion that the proposed creation of six lot is in conformity with the objectives and policies of the Official Plan.

4.4 TOWNSHIP OF TINY OFFICIAL PLAN

The Township of Tiny Official Plan was adopted in September 2000 and approved by the County of Simcoe in April 2001. The Township Official Plan designates the property Country Residential on Schedule A - Land Use (Figure 4).

Figure 4: Schedule A to Township of Tiny Official Plan (extract)



Single detached dwellings are a permitted use in the Country Residential designation. Policy B8.4 of the Township of Tiny Official Plan requires that: *“All new lot creation in the Country Residential designation shall occur by way of Plan of Subdivision. The minimum lot size shall be 0.80 hectares (2.0 acres).”* All lots shown on the proposed draft plan of subdivision conform to this minimum lot size.

Policy B8.5 of the Township’s Official Plan requires that *“All lands designated Country Residential and located within a Registered Plan of Subdivision shall be placed in a Country Residential zone in the implementing zoning by-law.”* As noted previously, the Charlebois lands are proposed to be rezoned from Future Development (FD) to Country Residential (CR).

Section D5 of the Tiny Official Plan contains Subdivision Development Policies. Of note:

- The proposed lots front onto a public road that is maintained on a year-round basis (D5a).
- The proposed lots will be serviced with individual wells and septic systems as described in the Functional Servicing Report prepared by WMI & Associates Limited (D5b).
- The proposed development conforms with the environmental policies of the Township’s Official Plan and is supported by the Scoped Environmental Impact Study prepared by Orion Environmental Solutions (D5c).
- The plan of subdivision conforms to the Planning Act, as regard has been had to *“the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality”*. The Planning Act criteria set out in Section 50 (24) (a to l) are met as follows:
 - There are no matters of provincial interest.
 - The subdivision is not premature.
 - The subdivision plan conforms to the Official Plan.
 - The land is suitable for the purposes for which it is to be subdivided.
 - The road system is adequate.
 - The dimensions and shapes of the proposed lots are shown on the proposed draft plan.
 - There are no restrictions on the land proposed to be subdivided.
 - There are no concerns related to the conservation of natural resources and flood control.
 - Private municipal services are proposed.
 - Schools are located within the area.

- A daylighting triangle is proposed to be dedicated to the municipality.
- The lands are located on the west side of Overhead Bridge Road. The lots are of sufficient size that a minor amount of tree clearing for house construction will allow for opportunities to capture solar energy.
- The land is proposed to be developed with single detached lots which are not subject to Site Plan Control.

Having reviewed Schedule A and the land use policies of Section B8 and D5 of the Official Plan for the Township of Tiny, it is my planning opinion that the proposed subdivision of land conforms to the applicable policies.

4.5 DRAFT OFFICIAL PLAN FOR THE TOWNSHIP OF TINY

The Township of Tiny has prepared a new Official Plan, adopted by Council on November 26, 2018, but not yet approved by the County of Simcoe.

The new Official Plan shows a Greenlands designation for the Charlebois property on Schedule A and a Significant Woodlands designation on Schedule B. There are two key points related to this:

1. Policy B.2.3.2 of the adopted Official Plan states that: *“The limits of the Greenlands designation are considered to be approximate.”*
2. The Scoped Environmental Impact Study prepared for the Charlebois lands provides a more detailed evaluation than what was conducted as part of the Official Plan review process and concludes that:
 - *Development of the site can be done in compliance with natural heritage policies of the Growth Plan.*
 - *No Species at Risk reported for the area have potential habitat on site.*
 - *No significant interior habitat for breeding birds based on MNRF criteria.*
 - *Significant Wildlife Habitat is limited to Eastern Wood-Pewee (Special Concern) which is reported to be in the area. The species is common throughout Simcoe County forests and the habitat will remain post development.*
 - *The site does not meet the MNRF criteria for Significant Woodlands.*
 - *No unique forest vegetative communities are present.*
 - *No drainage features/watercourses/wetland/seeps are present.*
 - *No old growth forest cover is present.*

- *The site does not provide any significant linkage functions to adjacent habitats.*
- *The lands are designated for development in both the current Township of Tiny Official Plan and the current Zoning By-law.”*

In my opinion the flexibility of proposed policy B2.3.2 permits the applications to be processed not only on the basis of the current Official Plan designation and zoning, but also in consideration of the recent site-specific environmental evaluation of the property.

4.6 REQUESTED ZONING APPROVAL

A Zoning By-law Amendment is being requested from the Future Development (FD) to the Country Residential (CR) zone to permit the creation of a six-lot subdivision. The proposed rezoning by-law forms part of the planning submission package.

As noted, the proposed lot sizes conform to the standards of the Country Residential zone and are in character with surrounding lot sizes, particularly in the subdivisions to the west and south.

It is my planning opinion therefore that the rezoning of the lands from Future Development to Country Residential is supportable.

5. SUMMARY

Having reviewed the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the County of Simcoe Official Plan, the Township of Tiny Official Plan (current and proposed) and the Town’s Zoning By-law, it is my opinion that the proposed Plan of Subdivision and Zoning By-law Amendment are appropriate for the following reasons:

- The lands are designated Country Residential and zoned Future Development (FD). As such, lot creation is contemplated for this property.
- Approval of the Plan of Subdivision and Zoning By-law Amendment will be consistent with the policies set out in the Provincial Policy Statement and will conform to the Growth Plan for the Greater Golden Horseshoe. Additionally, the planning requests conform to both the County of Simcoe and Township of Tiny Official Plans.
- The environmental work undertaken by Orion Environmental Solutions concludes that the lands can be developed without any adverse impact on significant natural heritage features.

- The Stage 1-2 Archaeological work concludes that the property has no archaeological resources and no further archaeological assessment is warranted.
- The Hydrogeological Study (Wilson Associates), the Soils investigation (Terraprobe Inc.) and the Functional Servicing and Stormwater Management Report (WMI & Associates) all demonstrate that the lands are suitable for development.
- The proposed rezoning will allow for the creation of six single detached residential lots, that are in keeping with, and compatible with surrounding land uses.

For all of these reasons, it is my professional planning opinion that the approval of the planning applications to permit a plan of subdivision and rezoning of the Charlebois property is appropriate and represents good planning.

Respectfully submitted,



Celeste Phillips, MCIP, RPP