

## STAFF REPORT PUBLIC MEETING OF PLANNING

**November 28, 2022**

**TO:** Mayor and Council Members

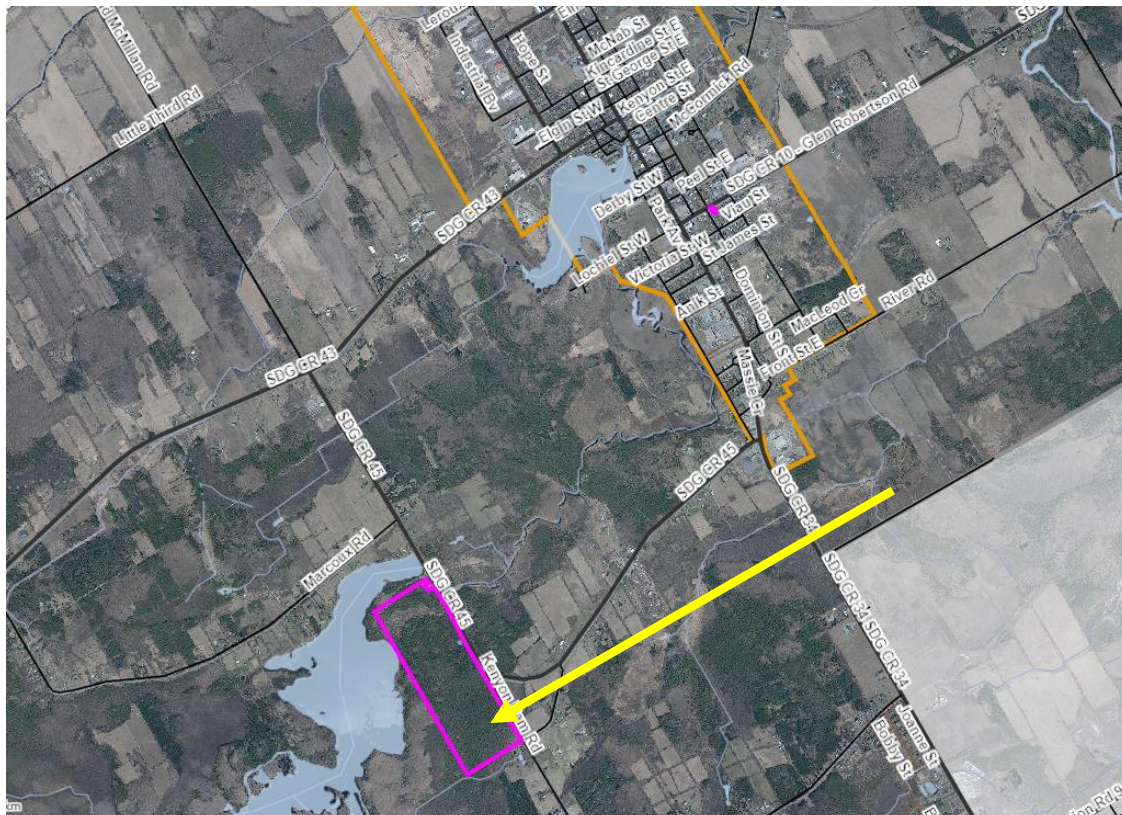
**FROM:** Jacob Rheaume, Director of Building, By-law & Planning

**RE: Zoning By-law Amendment No. Z-19-2022**

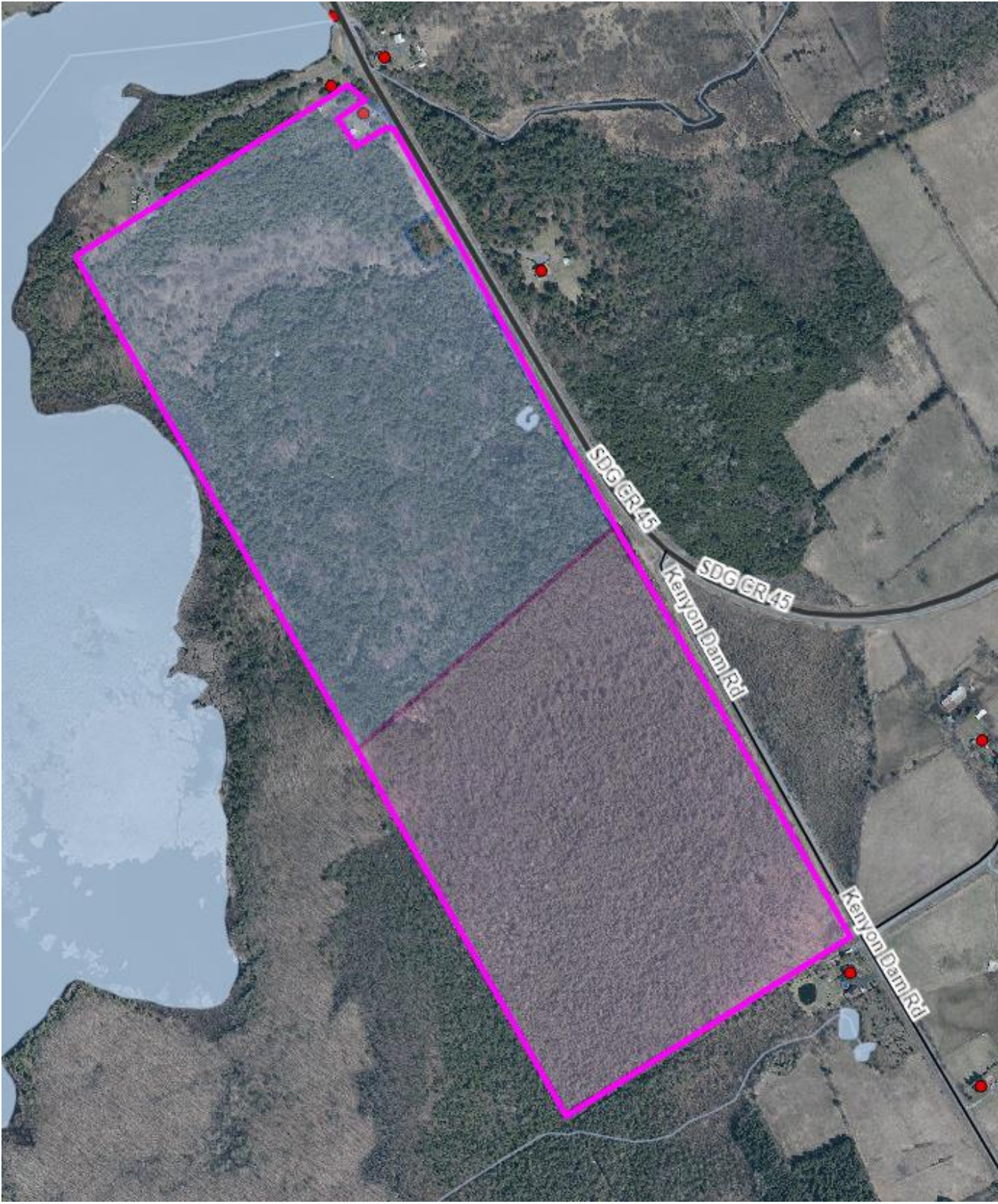
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**Owner:** Corey WILLARD & Noemie FILLION  
393 2<sup>nd</sup> Avenue, Ottawa, ON, K1S 2J3

**Location:** Kenyon Con 2, Part Lot 7

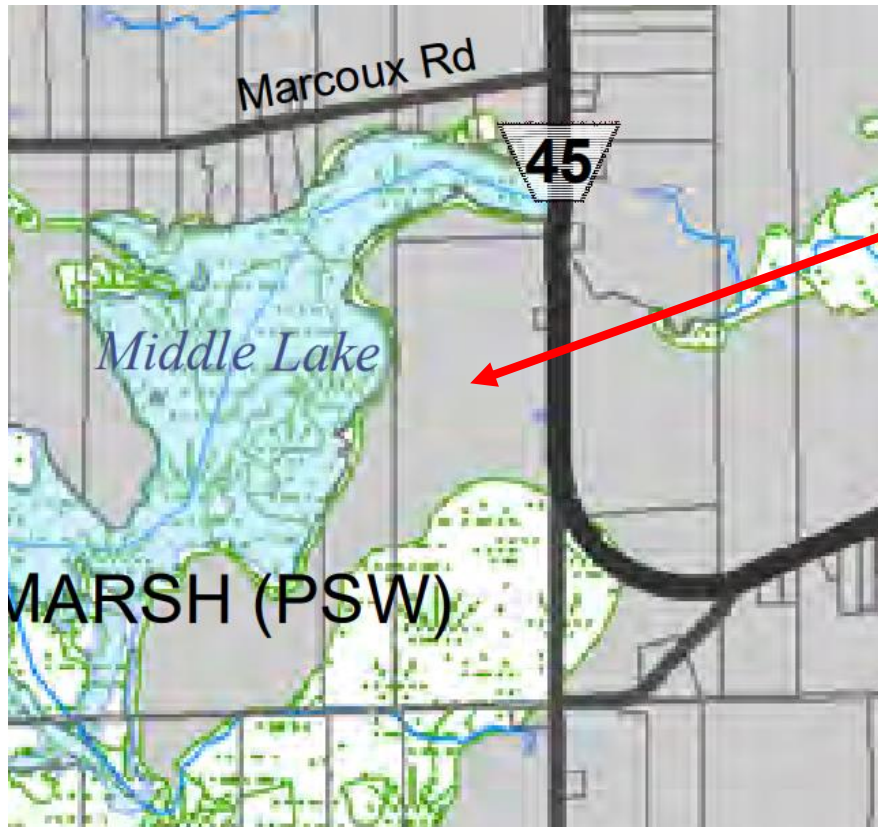




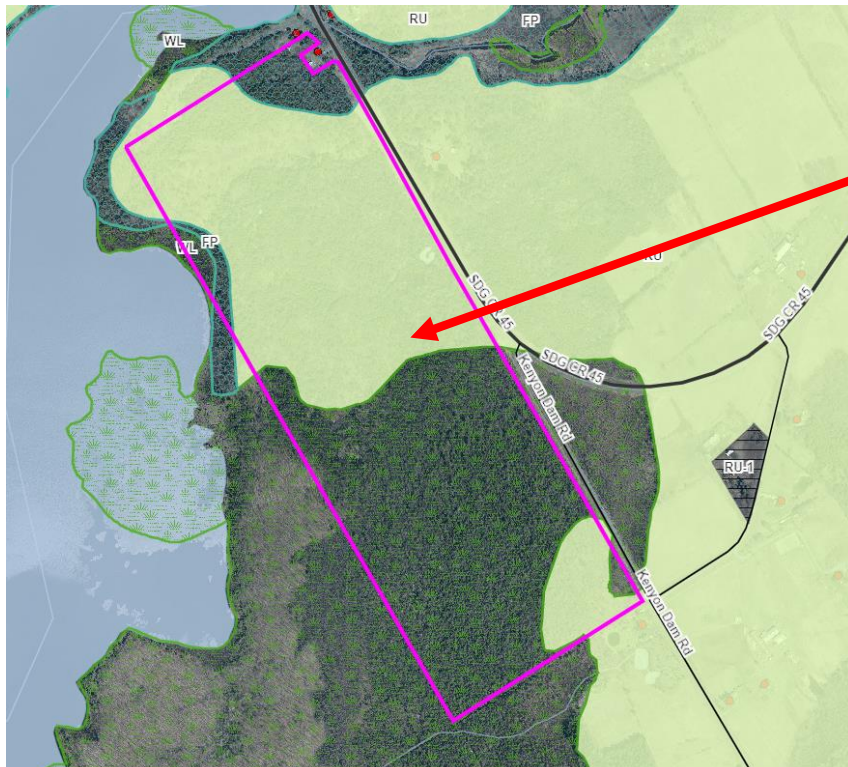




**Official Plan designation:** Rural District & Provincially Significant Wetlands (PSW)



**Zoning designation:** Rural (RU), Wetlands (WL) & Floodplain (FP)



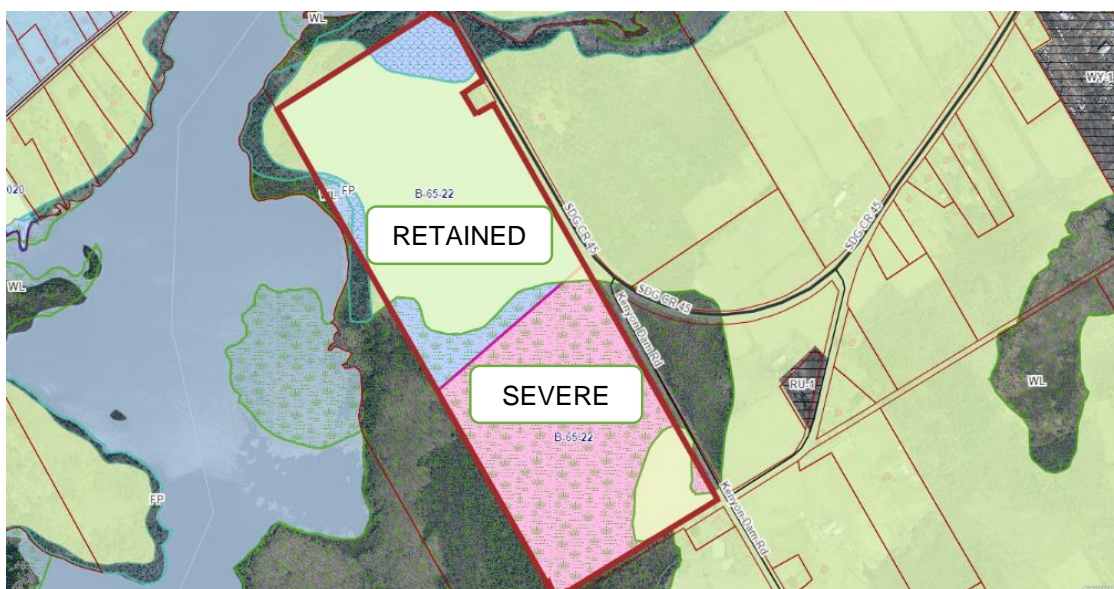
**Purpose of application:** To re-zone both the severed and retained portion subject to Consent Application B-65-22 condition No. 4 & 5 as follows:

The Rural (RU) zoned lands of the **retained** portion of the property (59.87 acres) from Rural (RU) to Rural Special Exception HOLD (RU-22-H):

- to restrict development and site alterations until such time that development has been approved by a scoped Environmental Impact Study (EIS) prepared by a qualified professional.
  - The EIS shall identify and evaluate the significant natural features (ANSI, wetland, woodland) on the retained lot.
  - The EIS shall demonstrate the impacts of a conceptual residential development on the natural features and that their ecologic functions will be minimal and can be adequately mitigated.
  - The development or site alterations within and setback 120m from the Provincially Significant Wetlands shall require permission from the Raisin Region Conservation Authority.

The Rural (RU) zoned lands of the **severed** portion of the property (49.81 acres) from Rural (RU) to Rural Special Exception HOLD (RU-23-H):

- to restrict development and site alterations until such time that development has been approved by a scoped Environmental Impact Study (EIS) prepared by a qualified professional.
  - The EIS shall identify and evaluate the significant natural features (ANSI, wetland, woodland) on the retained lot.
  - The EIS shall demonstrate the impacts of a conceptual residential development on the natural features and that their ecologic functions will be minimal and can be adequately mitigated.
  - The development or site alterations within and setback 120m from the Provincially Significant Wetlands shall require permission from the Raisin Region Conservation Authority.



**Discussion:** The subject land area is approximately 109.68 acres. The applicant received conditional approval from the United Counties of Stormont Dundas & Glengarry on August 17, 2022, to sever approximately 49.81 acres of land to create a new parcel, to be potentially sold to a different owner. The applicant currently is intending to keep the retained portion of approximately 59.87 acres for personal use.

The property is currently vacant, and as a whole, has frontage on both County Road 45, and on Kenyon Dam Road. It is surrounded mostly by rural residential properties. As seen on the site plan, the property is also in close proximity of Middle Lake, hence the large amounts of lands zoned as Wetlands (WL) & Floodplain (FP).

The United Counties of Stormont Dundas & Glengarry gave their provisional consent for the severance under some strict conditions regarding the development of both the severed and retained portions mostly because of natural constraints.

This ZBA is to impose development conditions, same for each portion, to restrict development and site alterations until such time that development has been approved by a scoped Environmental Impact Study (EIS) prepared by a qualified professional. The EIS shall identify and evaluate the significant natural features (ANSI, wetland, woodland) on the retained lot. The EIS shall also demonstrate the impacts of a conceptual residential development on the natural features and that their ecologic functions will be minimal and can be adequately mitigated. The potential development or site alterations within and setback 120m from the Provincially Significant Wetlands shall require permission from the Raisin Region Conservation Authority.

The HOLD provision is added as a suffix for the new zoning designation. The intent is to signify that Council's approval is required (ZBA) prior to any future development of the land, the Environmental Impact Study (EIS) would be part of the documentation required for the ZBA to remove the HOLD provision. The sale of the land would not alter the zoning designation, it will remain with the parcel until such time it would be removed via a ZBA.

Should the HOLD designation be removed, any development would have to be approved by both the Zoning By-law zone requirements, such as setbacks, height, lot coverage, etc. and would require a building permit issued under Section 8 of the Ontario Building Code Act. No Site Plan Development Agreement would be required for residential development compliant with the Township's Zoning By-law.

There currently is an existing entrance for the retained lands accessible from County Road 45. Another condition is that the landowner shall submit a written acknowledgement indicating the United Counties will not permit an entrance into the newly severed lot from County Road 45, access will have to be provided from Kenyon Dam Road, a municipal road. The Township's public works department has expressed no concerns for a potential new entrance from Kenyon Dam Road. A new civic number could be issued for each property.



The surrounding official plan designation is Rural District and/or Provincially Significant Wetlands (PSW) for all adjacent and neighboring properties.

The surrounding zoning is Rural (RU), Wetlands (WL) and Floodplain (FP) for all adjacent and neighboring properties.

The surrounding uses includes mostly rural residential properties, and middle lake.



We have received a comment from RRCA which were addressed via conditions of the severance. No other agencies, Township departments or members of public expressed concerns or provided any comments regarding this Zoning By-law Amendment.

### **Provincial Policy Statement (2020)**

According to the Provincial Policy Statement (2020) rural areas are important to the economic success of the province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies

Healthy, integrated, and viable rural areas should be supported by building upon rural character and leveraging rural amenities and assets. It should also be accommodating an appropriate range and mix of housing in rural areas while encouraging the conservation and redevelopment of existing rural lands and conserving biodiversity and considering the ecological benefits provided by nature.

On rural lands located in municipalities, permitted uses are residential development, including lot creation, that is locally appropriate along with its compatible accessory buildings and home occupations if the development that is compatible with the rural landscape and can be sustained by rural service levels.

### **SDG Counties Official Plan (2018)**

The SDG Counties Official Plan Policy permits lot creation in rural lands for a residential development provided it can accommodate the use, accessory uses, and appropriate sanitary sewage and water services and provided it is compatible with adjacent lands and can be developed as per local municipal zoning by-laws.

**In conclusion, based on the criteria above, the proposed zoning amendment conforms to the relevant policies of the United Counties of Stormont Dundas and Glengarry's Official Plan, it is consistent with Provincial Policy Statement and compliant with the Township of North Glengarry Zoning By-law No. 39-2000.**