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Memo

To: Per Lundberg, Planner MCIP, RPP
Township of Selwyn

From: Kevin M. Duguay MCIP, RPP

Date: August 23, 2024

Re: **Zoning By-law Amendment Application
1630 6th Line, Township of Selwyn
(KMD File 2024-17)**

Please find attached the following regarding the above-captioned:

- i. Zoning By-law Amendment Application and associated Fee Payment; and
- ii. Planning Justification Report.

I can be contacted should you require any additional information regarding the Zoning By-law Amendment Application.

Yours truly,

Kevin M. Duguay, MCIP, RPP

CC

A. Thompson (Client)

RECEIVED

AUG 29 2024

Township of Selwyn



Kevin M. Duguay
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Consulting Inc.



Planning Justification Report – August 22, 2024

Zoning By-law Amendment Application

1630 6th Line (Selwyn)

Township of Selwyn, County of Peterborough

Introduction

This Planning Justification Report (PJR) has been prepared in support of a Zoning By-law Amendment (ZBLA) Application filed with the Township of Selwyn Planning Department regarding the residential property known municipally as 1630 6th Line (Selwyn).

The Property



The Property

(Source: County of Peterborough Website, August 2024)

The ZBLA Application

The ZBLA Application seeks to amend the current zoning of the property to permit a “custom car workshop” within the existing garage attached to the main dwelling.

The nature of this home-based industry is such that the customization of an individual car would require 4 to 8 weeks to complete. Thus, this business would not be intensive,

and from a site development perspective requires only modest change. The forgoing is limited to modest enhancements of the existing driveway, as illustrated on the Concept Plan prepared in support of the ZBLA Application.

Pre-Consultation

The ZBLA Application was subject of a mandatory Pre-Consultation meeting held January 17, 2024 (see Attachment 'G' for details).

The Pre-Consultation determined requirements for the ZBLA Application, including the following:

- i. Concept Plan;
- ii. Planning Study (Planning Justification Report);
- iii. Environmental Impact Analyses; and
- iv. Survey.

Additionally, it was confirmed that the proposed home-industry use triggers the requirement for Site Plan Control.

In support of the Application, all items (i) to iv) are provided.

An updated survey may be required as part of the Site Plan Application to include topographical details, appropriate for the proposed modifications of the existing parking area.

Analysis

2020 Provincial Policy Statement (2020 PPS)

The 2020 PPS sets forth a series of policies that address a range of land use, planning, development, and related topics on a provincial wide basis.

With respect to the Zoning By-law Amendment Application, the following policies of the 2020 PPS are considered to have direct relevancy:

Section	Title – Comments
Part III	How to Read the Provincial Policy Statement The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and

	<p>social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.</p> <p>Read the Entire Provincial Policy Statement</p> <p>The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole. There is no implied priority in the order in which the policies appear.</p> <p>Opinion: The entire document has been reviewed for the purpose of preparing this Planning Justification Report.</p>
1.0	<p>Building Strong Healthy Communities</p> <p>Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.</p>
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term

	<p>care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>Opinion: The proposed home-industry use (custom car workshop) will not have impact upon on-site and area environmental features, as per the Sumac Environmental Report.</p>
1.1.3	<p>Settlement Areas</p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.</p> <p>Opinion: The subject property is not part of a Rural Settlement Area.</p>
1.1.4	<p>Rural Areas in Municipalities</p> <p>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. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p> <p>Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.</p>

	Opinion: The subject property is not part of a Rural Settlement Area.
1.1.5	<p>Rural Lands in Municipalities</p> <p>1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p> <p>1.1.5.2 On rural lands located in municipalities, permitted uses are:</p> <p>a) the management or use of resources;</p> <p>c) limited residential development;</p> <p>f) other rural land uses.</p> <p>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p> <p>Opinion: The ZBLA Application, seeks to permit a specific home-industry use to be located within the existing dwelling. This can be considered as a form of "other rural land uses."</p>
1.6	Infrastructure and Public Service Facilities
1.6.6.4	<p>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.</p> <p>Opinion: The property will rely upon private water and waste-water facilities.</p>
2.1	<p>Natural Heritage</p> <p>2.1.1 Natural features and areas shall be protected for the long term.</p> <p>2.1.6 Development and site alteration shall not be permitted in fish</p>

	<p>habitat except in accordance with provincial and federal requirements.</p> <p>Opinion: The rezoning of this property will not have an impact on Natural Heritage features, as per the Sumac Environmental Report.</p>
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It is my professional opinion that the Zoning By-law Amendment Application is consistent with the policy directives of the 2020 PPS.

2019 A Place to Grow- Growth Plan for the Greater Golden Horseshoe (2019 Growth Plan)

The 2019 Growth Plan came into effect on May 16, 2019 replacing the July 1, 2017 Growth Plan (which replaced the 2005 Growth Plan). The new 2019 Plan sets forth a series of detailed policies addressing population and employment growth and other related development, planning and land use matters for the Greater Golden Horseshoe Area. The County of Peterborough and its eight (8) member municipalities are located within the eastern portion of the outer-ring part of the 2019 Plan.

Relative to the Zoning By-law Amendment Application, the following policies of the 2019 Growth Plan are considered to have direct relevancy:

Policy	Title - Details
1.2.1	<p>Guiding Principles</p> <p>The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:</p> <ul style="list-style-type: none"> • Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. • Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. • Provide flexibility to capitalize on new economic and employment

	<p>opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.</p> <ul style="list-style-type: none"> • Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households. • Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government. • Provide for different approaches to manage growth that recognize the diversity of communities in the GGH. • Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. • Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network. • Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities. • Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions. <p>Opinion: The ZBLA Application conforms to the policies of Section 1.2.1 of the Plan. The proposed home-industry use is compatible with rural land uses and does not represent an environmental hazard (as per the Sumac Environmental Report).</p>
1.2.2	<p>Legislative Authority</p> <p>This Plan is issued under the authority of section 7 of the Places to Grow Act, 2005. It was approved through an Order in Council under that Act to come into effect on May 16, 2019. This Plan replaces the</p>

	<p>Growth Plan for the Greater Golden Horseshoe, 2017 that took effect on July 1, 2017.</p>
	<p>Read the Entire Plan</p> <p>This Plan is to be read in its entirety and the relevant policies are to be applied to each situation. The language of each policy, including the policies in Section 5, will assist decision-makers in understanding how the policies are to be implemented.</p> <p>While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole. There is no implied priority in the order in which the policies appear.</p> <p>Opinion: The entire document has been reviewed/read for the purpose of preparing this Planning Justification Report.</p>
2.2	<p>Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <p>i. have a delineated built boundary;</p> <p>ii. have existing or planned municipal water and wastewater systems; and</p> <p>iii. can support the achievement of complete communities;</p> <p>Opinion: The property does not form part of a designated rural settlement area.</p>
	<p>c) within settlement areas, growth will be focused in:</p>

	<p>i. delineated built-up areas;</p> <p>ii. strategic growth areas;</p> <p>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</p> <p>iv. areas with existing or planned public service facilities;</p> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>Opinion: The property does not form part of a designated rural settlement area.</p>
2.2.9	Rural Areas
2.2.9.1	<p>1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.</p> <p>Opinion: The property does not form part of a rural settlement area.</p>
2.2.9	<p>3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses; and</p> <p>c) other rural land uses that are not appropriate in settlement areas provided they:</p> <p>i. are compatible with the rural landscape and surrounding local land uses;</p> <p>ii. will be sustained by rural service levels; and</p> <p>iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.</p> <p>Opinion: The proposed custom car workshop (home-industry) can be sustained by rural service levels and is compatible with area properties. The proposed use will be contained within the 45 square metres attached garage. The</p>

	<p>ZBLA Application, if approved, will trigger the requirement for modest enhancements of the existing site parking area. This has been considered by the project Environmental Consultant and same will not have impact upon the natural features on-site and in the general area of this property.</p>
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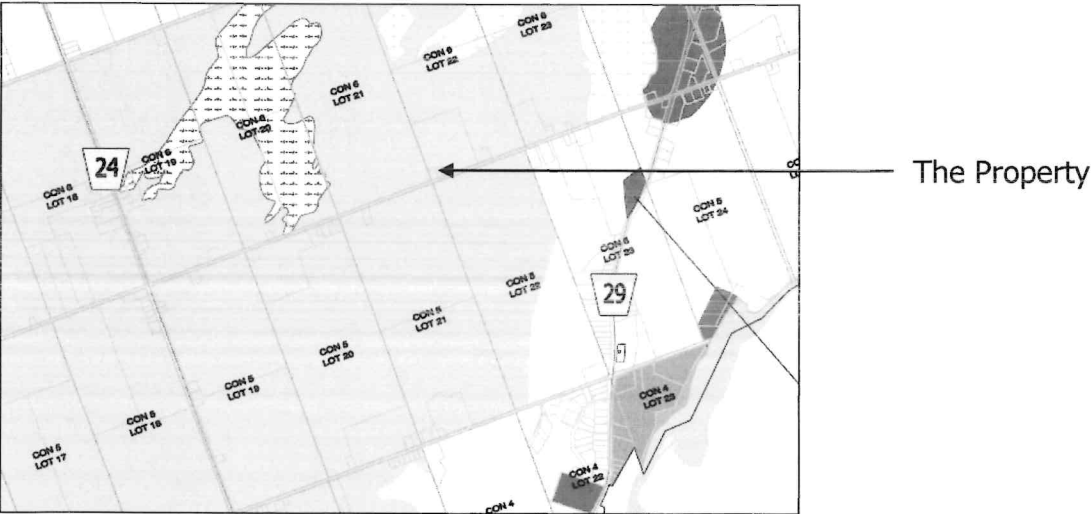
It is my professional planning opinion that the Zoning By-law Amendment Application is in Conformity with the policies of the 2019 Growth Plan.

County of Peterborough Official Plan

For purposes of this Report, I employed the County of Peterborough Pre July 2022 version of the Official Plan, acknowledging the pending “new” County of Peterborough Official Plan is currently subject of Provincial review.

The property is designated as “Prime Agriculture”

Official Plan Map Schedule - Detail



(Source: County of Peterborough Website, August 2024)

Relative to the ZBLA Application, the following policies of the OP are considered to have direct relevancy:

Section	Title - Comments
2.3	Local Official Plans It is the intent, and a requirement of the Planning Act that local official

	<p>plans shall conform to this Plan and be one of the primary means of implementing the policies herein.</p> <p>In the event of a conflict between the provisions of a local official plan and the provisions of this Plan, the provisions of this Plan shall prevail to the extent of that conflict except where the local plan is more restrictive.</p> <p>There are sections of this Plan where the local Official Plan is relied on for policy direction. This is a measure to recognize certain existing special circumstances and related policies at the local level. However, as these local Official Plans are revised and updated, such revisions, where appropriate, will reflect the local situation and explain in detail the particular nature of the local situation. In all other circumstances, local Official Plans will be brought into conformity with the intent and policies of this Plan.</p>
2.4	<p>Local Zoning By-laws</p> <p>When this Plan or any part thereof takes effect, every local zoning by-law shall be amended by the local municipalities to conform with this Plan pursuant to the Planning Act. The Amendments to the zoning by-laws should occur after the local Official Plan has been amended to conform to this Plan.</p> <p>Notwithstanding the above, this Plan is not intended to prevent the continuation, expansion, or enlargement of uses which do not conform to the designations and provisions of this Plan. At their sole discretion, Councils of the local municipalities may zone to permit the continuation, expansion or enlargement of legally existing uses, or variations to similar uses, provided that such uses:</p> <p>a) have no adverse effect on present uses of surrounding lands or the implementation of the provisions of this Plan;</p> <p>d) are subject to any conditions that may be contained in a local official plan.</p> <p>Opinion: The ZBLA Application, if approved, will not have an adverse effect on existing area land uses and will be subject to Site Plan Control.</p>

4.3	<p>Rural and Cultural Landscape</p> <p>The rural and cultural landscape represents all land areas outside of an identified settlement area, that are not:</p> <ul style="list-style-type: none"> • shoreland areas as described in Section 4.4; • significant natural heritage features or other natural resources listed in Section 4.1; • utilized for transportation purposes, physical services and utilities; • used for recreation and open space purposes. <p>Opinion: The property is not one (1) of the noted types of lands uses.</p>
6.2	<p>Local Planning Policies – Rural Component</p> <p>The Rural Component is devoted to economic activities associated with the natural resources in the participating Townships. The Rural Component policies are intended to protect the character of these areas while making provision for economic activities and employment opportunities which depend on the natural resources.</p> <p>The Rural Component comprises the following areas:</p> <ul style="list-style-type: none"> - Prime agricultural areas <p>Opinion: The property is designated as “Prime Agriculture”. It is noted that the property is not developed/used for agricultural purposes and has a lot area not suitable for such purposes.</p>
6.2.1 6.2.1.1	<p>Prime Agriculture</p> <p>General Principles</p> <p>The Prime Agriculture designation applies to areas where Class 1, 2 and 3 lands under the Canada Land Inventory Soil Capability for Agriculture or specialty crop land predominate. These areas shall be protected for agricultural uses from incompatible, non-agricultural development. Small scale farm related commercial/industrial uses shall be permitted provided that they are directly related to the farm operation and are in</p>

	close proximity to the farm operation.
6.2.1.2	<p>Permitted Uses</p> <p>The predominant use of land within the Prime Agriculture designation shall be agriculture, farm related activities, and forestry.</p> <p>Secondary uses shall include home occupations, home industries and uses that produce value added agricultural products such as custom meat shops, pick-your-own operations, produce markets, and packing operations from the farm operation on the property.</p> <p>Opinion: The property is not developed nor used for any of the noted purposes. The area of the property is not of sufficient size to accommodate same.</p> <p>A custom car workshop is proposed. Whilst not a use specified by this policy, it is a form of home-industry that is compatible with area land uses, including farm/agricultural operations.</p>
6.2.1.3	<p>Prime Agriculture Policies</p> <p>d) Home occupation uses, inclusive of Bed and Breakfast overnight accommodation may be permitted in a single detached dwelling within the Prime Agriculture designation provided that such establishment is operated by one or more permanent residents of the dwelling. Provisions regarding Bed and Breakfast establishments shall be further stipulated in the Zoning By-law.</p> <p>Opinion: The proposed home-industry use, being a custom car workshop will be contained within the existing dwelling/garage, and will be operated by the property owners.</p>
7.11	Zoning By-law
7.11.2	Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on the Land Use Schedules or the policies related thereto, as a general rule, should cease to exist in the long term. Notwithstanding any provision of this Plan to the contrary, this Plan is not intended to prevent the continuation, expansion or enlargement of existing uses which do not conform with

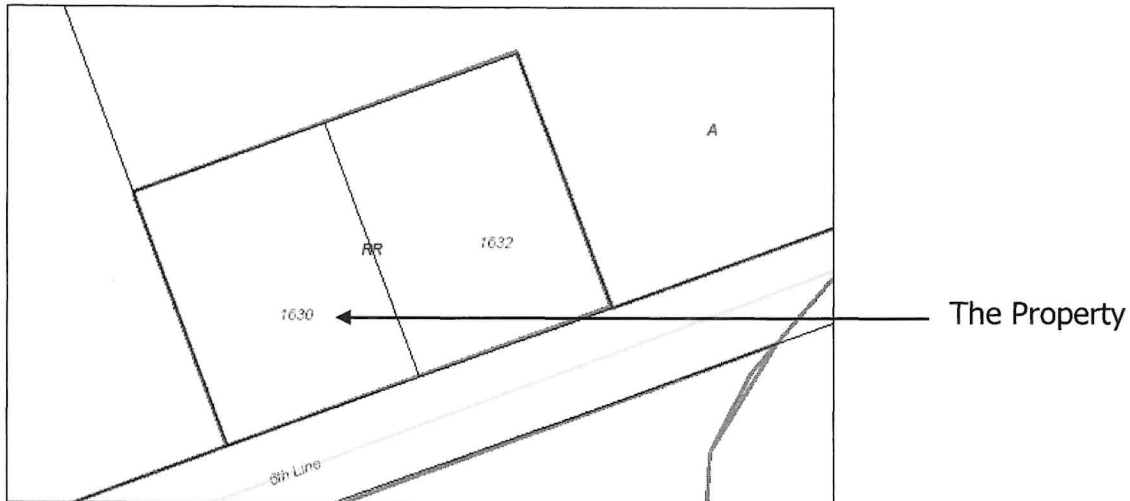
	<p>the designations or provisions of this Plan. It shall be the policy of this Plan that where an existing land use is not designated in this Official Plan, the Township may recognize the use of that land, building or structure for the purpose for which it was legally used at the date of adoption of this Plan and thereby provide for the continuation, expansion or enlargement of that existing use in accordance with the following:</p> <p>Opinion: A dwelling is a permitted use of the Prime Agriculture designation. This is typically a dwelling directly affiliated with a farm/agriculture operation. The property is not used for agricultural purposes.</p> <p>Introducing a custom car workshop as a home-industry is a reasonable enhancement of the property. The use will be contained within the existing dwelling (attached garage component).</p>
<p>7.17 7.17.1</p>	<p>Site Plan Control</p> <p>Designation Areas</p> <p>Pursuant to the provisions of The Planning Act, the entire Townships of Asphodel Norwood, North Kawartha, Douro-Dummer and Selwyn shall be designated as a Site Plan Control Area.</p> <p>Opinion: The property is located within the geographical limits of the Township of Selwyn. The January 2024 Pre-Consultation report confirmed the requirement for Site Plan Control.</p>

In summary, it is my professional planning opinion that the ZBLA Application is in keeping with the general purpose and intent of the policies of the Official Plan.

Municipality of Trent Lakes Zoning By-law (Zoning By-law)

The property is currently zoned 'RR – Rural Residential'.

Zoning Map Detail



(Source: County of Peterborough Website, August 2024)

The ZBLA seeks to permit a custom car workshop as a home-industry use. In this regard, a By-law exception is proposed, as follows:

Proposed By-law Exception

Notwithstanding the provisions of Section 3.16, a custom car workshop, having a maximum floor area of 45 square metres, contained within the attached garage portion of the dwelling, shall be permitted.

Section 3.16 of the TZBL sets forth regulatory provisions addressing Home Industries.

Section 3.16.2 – Additional Provisions for Type 'B' – Home Industries would appear to anticipate this form of land use.

It is my professional planning opinion that the ZBLA Application is in keeping with the general purpose and intent of the regulatory provisions of the Township of Selwyn Zoning By-law.

Summary

In summary, it is my Professional Planning Opinion that the Zoning By-law Amendment Application is:

- Consistent with policy directives of the 2020 PPS;
- In Conformity with the policy directives of the of the 2019 A Place to Grow, Growth Plan for the Greater Golden Horseshoe;
- In Keeping with the general purpose and intent of the land use designations and policies of the County of Peterborough Official Plan;
- In Keeping with the general purpose and intent of the regulatory provisions of the Township of Selwyn;
- Supported by the Environmental analysis carried-out by Sumac Environmental Services; and
- Representative of Good Planning.

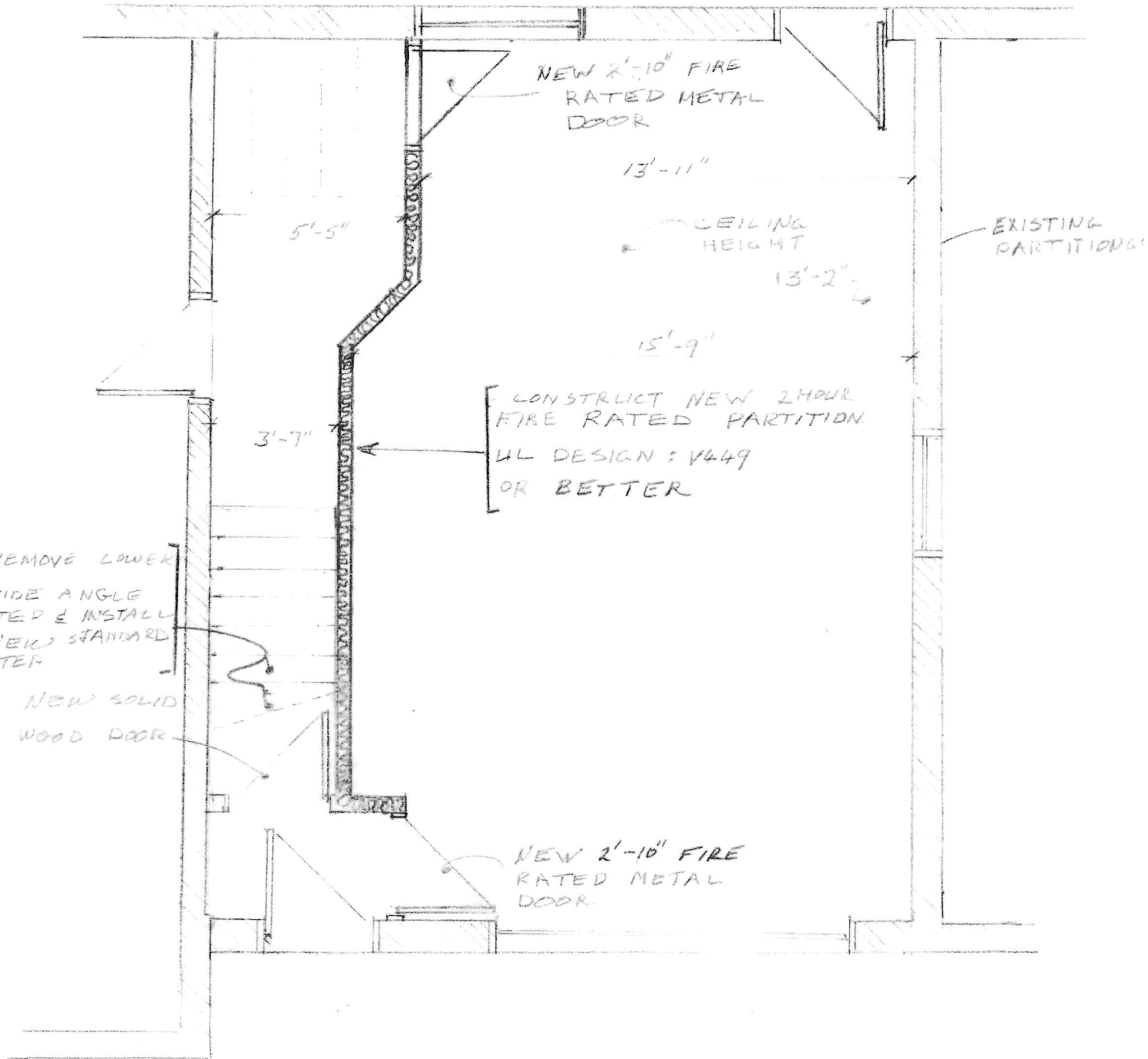
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP

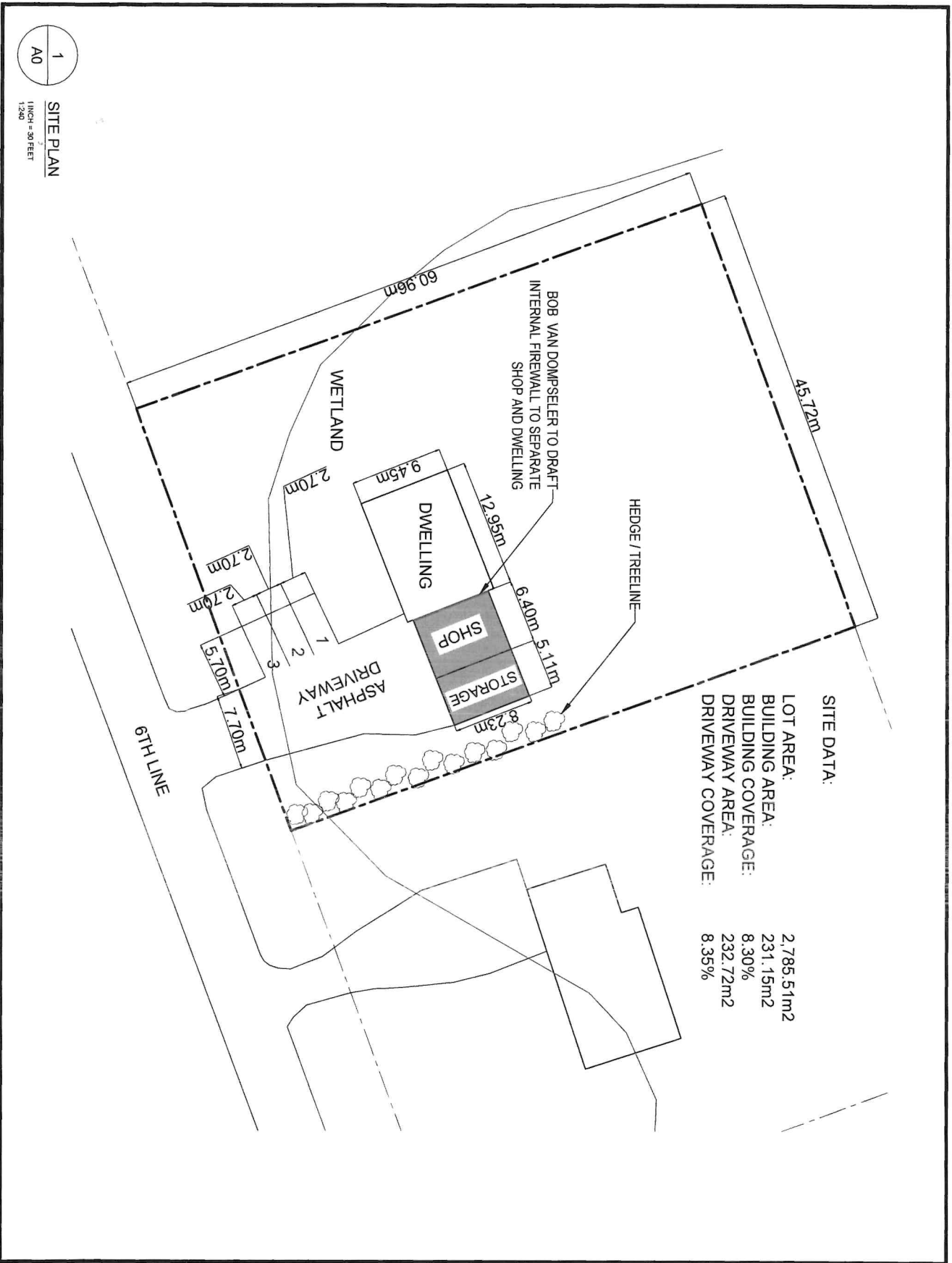
Proposed By-law Exception

Notwithstanding the provisions of Section 3.16, a custom car workshop, having a maximum floor area of 45 square metres, contained within the attached garage portion of the dwelling, shall be permitted.



PROPOSED PLAN FOR HOME BUSINESS
AT 1630 6th. LINE, SELWYN

SCALE: 1/4" = 1'-0"



1
A0
1/2" = 30 FEET

SITE PLAN

PLOTTED: MAY/20/2024

CLIENT:

PROJECT TITLE:

SITE PLAN
1630 6TH LINE
LAKEFIELD, ON

DRAWING TITLE:

SITE PLAN



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design
studio**

email:

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www.ecolinedesignstudio.com
BCIN: 33321

Rev:

MARCH 2024

PROJECT #:

Scale: As Shown

Drafted by: fabienne lehmann
BCIN: 28101

SHEET #:

A0



Kevin M. Duguay
Community
Planning and
Consulting Inc.



Site-Area Photographs 1630 Sixth Line, Selwyn



Existing subject property and driveway



Existing subject property and neighboring dwelling

Site-Area Photographs
1630 Sixth Line, Selwyn



**Side yard of subject property
(west)**



**Side yard of subject property
(east)**

**Site-Area Photographs
1630 Sixth Line, Selwyn**



Neighboring dwelling



Entrance to subject property

**Site-Area Photographs
1630 Sixth Line, Selwyn**



Sixth Line -- East view



Sixth Line -- West view