



Planning Justification Report

Zoning By-law Amendment Application

1031 Fishtail Lake Road, Township of Dysart et al

Prepared by: One Community Planning Inc.
On behalf of: Steve Jorgensen and Holly Hatten Jorgenson
May 16th, 2024





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1.0 Introduction

One Community Planning has been retained by the owner of the subject lands, 1031 Fishtail Lake Road, to assist with filing a Zoning By-law Amendment Application. This Planning Justification Report (PJR) has been prepared in support of the Application and is intended to provide an overview of the site and proposal and includes a review of the applicable Provincial and local planning policies as they pertain to the subject lands.

1.1 Subject Lands

The property is known municipally as 1031 Fishtail Lake Road. The property is located to the west of Elephant Lake Road and to the south of Fishtail Lake Road



(Source: Dysart et al GIS website, May, 2024)

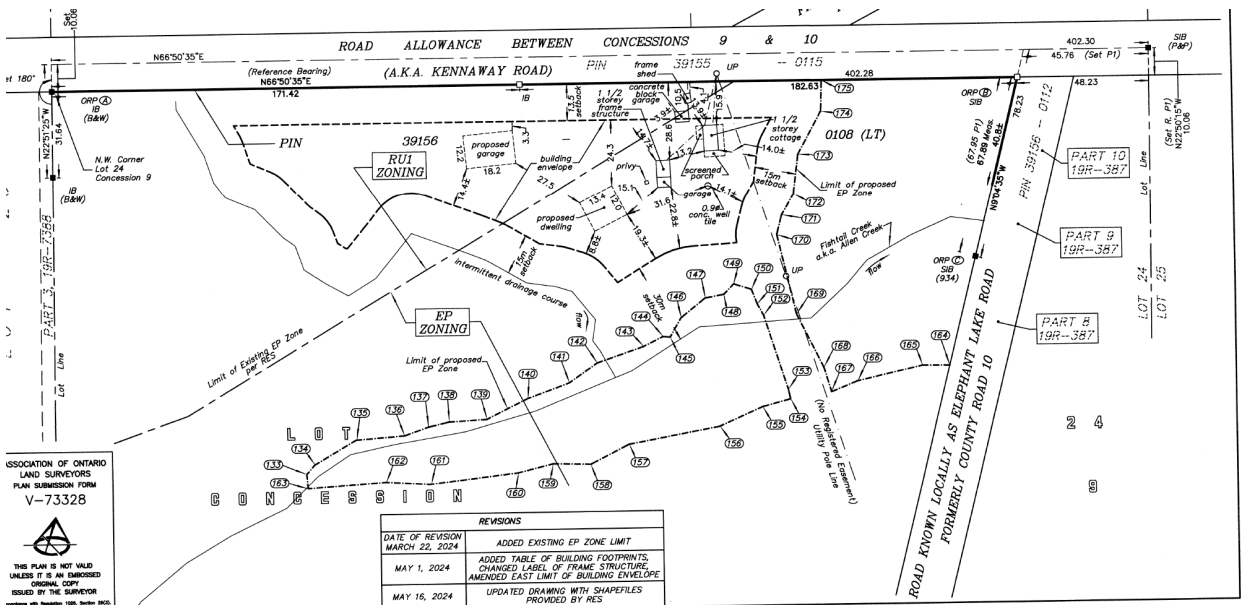
Surrounding Land Uses are as follows:

- NORTH: Rural lands
- SOUTH: Rural lands
- EAST: Elephant Lake Road
- WEST: Rural lands

The subject property is approximately 96 acres with 402 metres of road frontage onto Fishtail Lake Road.

1.2 Concept Plan and Overview

The survey below shows the proposed boundary of the Environmental Protection zone, as well as the proposed location for the garage and new dwelling. There are two structures (privy and concrete block garage) that are to be removed. The proposed boundaries of the EP zone are based on the findings from the Environmental Impact Study completed by RiverStone Environmental Solutions in May 2022. The Study delineated the existing stream on the property and determined an appropriate buffer for the stream and the Environmental Protection Zone.



(Source: PA Miller Surveying, 2024)

1.3 Pre-consultation

Due to the extensive communication with the Director of Planning and Land Information, this application was exempt from a formal pre-consultation. All requirements for a complete application we discussed at length and provided to the municipality.

1.4 Public Consultation

The proposed use is compatible with the surrounding area. The proposed amendment does not introduce major changes to the subject land or to the neighbourhood, but does provide future opportunity for redevelopment which would add value to the neighbourhood. Rural residential uses are the predominant landform within the vicinity. The proposed zoning provisions have restricted future uses to a reasonable scale of development given the area of the lot.

Municipal staff will be circulating a Notice of Complete Application to neighbours within 120 metres of the subject property, as well as stakeholder agencies.

2.0 Proposed Zoning By-law Amendment Application

The proposed “modified” zone regulations are as such:

- To permit the redefined EP Zone boundary
- To permit a secondary dwelling to be located in the front yard of a primary dwelling
- To permit a garage located 16 metres from the front property lot line

3.0 Policy Analysis

3.1 Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction to guide development and land use planning within the Province. For the purposes of preparing this report, the PPS has been reviewed in its entirety. The following Policies have direct relevance to the proposed Application as they relate to the subject lands:

Policy	
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns:
1.1.1	Healthy, liveable and safe communities are sustained by: 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 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), recreation, park and open space, and other uses to meet long-term needs; e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective

<p>Opinion</p>	<p>development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.</p> <p>The Application seeks to permit an additional dwelling unit with a redefined EP zone. It is efficient to continue utilizing the property to support the additional dwelling unit and garage.</p>
<p>1.1.3</p> <p>Opinion</p>	<p>Settlement Areas</p> <p>The subject property is not located in a Settlement Area.</p>
<p>1.6.6 1.6.6.2</p> <p>Opinion</p>	<p>Sewage, Water and Stormwater</p> <p><i>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</i></p> <p>The property is serviced by on-site private well and septic that can accommodate the redevelopment without impact on the adjacent environmental lands.</p>
<p>2.1 2.1.1 2.1.2</p> <p>Opinion</p>	<p>Natural Heritage</p> <p>Natural features and areas shall be protected for the long term.</p> <p>The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</p> <p>The EIS provided by RiverStone Environmental Solutions has concluded that there will be no negative impact to the environmentally sensitive areas adjacent to the redevelopment.</p>

It is my opinion that the proposed Zoning By-law Amendment Application is in conformity with the Provincial Policy Statement.

3.3 Official Plan

The property is designated as Rural in the Official Plan for the County of Haliburton and for the Township of Dysart et al.

The PDF document of the Official Plan for the County of Haliburton is not available to the public.

Relative to the proposed Zoning By-law Amendment Application, the following provides a summary of relevant policies of the Township of Dysart et al Official Plan (OP), which has been read in its entirety.

Section 2 of the Official Plan contains the Guiding Principles, and states:

2.1.2: Importance of the Natural Environment

The natural environment is the most important attribute of the Municipality, both ecologically and economically. The area's many lakes and forests make the Municipality extremely attractive for numerous recreational activities. Recreation and tourism are and will continue to be a significant local industry and a stable base for the local economy.

2.1.7 Character of the Rural Lands

The vast majority of the rural lands in the Municipality are lake or forest. A distinctive feature of the Municipality's rural area is that most of the land base is privately owned. With a few minor exceptions, the only Crown land in the Municipality is located in Algonquin Provincial Park, or is the bed of the local lakes.

The principal land use in the rural portions of the Municipality will continue to be resource-based recreation, resource based industrial uses and where appropriate, permanent residential uses. Forestry continues to be an important economic activity and source of employment in the Municipality. Although there is no prime agricultural land within the Municipality, agricultural uses and agri-tourism uses contribute to the local economy and are a valuable generator of community goods.

Opinion: As previously remarked, the proposed Application provides for appropriate development of an existing residential lot with attention being paid to the importance of maintaining the quality of the Environmental Area on the subject property.

Section 13 of the Official Plan speaks to Environmental Protection Areas.

13.1.2 Boundaries of the Environmental Protection Areas

In the Municipality, lands adjacent to lakes and rivers that have been or may be subject to flooding hazards consist of:

- Those lands predicted to be flooded once every 100 years on average; or
- Those lands predicted to be flooded if a storm equivalent to the Timmins Storm of 1961 were to occur in the Municipality,

Whichever in greater extent.

Where changes in present flood control or other water management activities are proposed that would result in any expansion of lands subject to flooding hazards, the lands will be redesignated to Environmental Protection Areas by an amendment to this Plan before the changes take place.

Where lands subject to flooding hazards are more accurately determined through a flood hazard assessment, they will be precisely delineated in the implementing Zoning By-law.

With that exception, a certain amount of flexibility is to be used in determining the exact boundaries of Environmental Protection Areas. Should an on-site review of the lands by the Municipality, or a site evaluation report of a wetland, accompanied by survey information, determine that a boundary is inaccurate, the zoning by-law may be amended to reflect the more precise boundary without requiring an amendment to this plan.

Opinion: the attached survey and Environmental Impact report by RiverStone Environmental Solutions has determined the boundary delineation of the Environmental Protection Areas more accurately and is the subject of this application.

Section 14 of the Official Plan speaks to the Rural Areas in the municipality.

14.4 Rural Residential Uses

14.1.1 Permitted Uses

The following limited residential uses may be permitted:

- Single unit and two unit dwellings;
- Additional dwelling units;
- Garden suites; and
- Dwellings accessory to permitted non-residential uses

Opinion: the proposed uses are in keeping with the intent of this section of the Official Plan.

3.4 Municipal Zoning By-law

The property is currently zoned Rural and EP.

Subject Lands



Source: Township of Dysart et al GIS website, May

The proposed uses for the subject property are in keeping with the Comprehensive Zoning By-law for the Township of Dysart et al. The proposed boundary for the EP zone has been provided by RiverStone Environmental Solutions and provides recommendations for buffers to any environmental feature.

4.0 Summary

The Zoning By-law Amendment Application has been filed to permit the delineation of the EP zone, as well as to permit the redevelopment of the subject property to accommodate a proposed garage and dwelling.

Provincial and local planning policies are supportive of this application. The foregoing policy review demonstrates conformity with the objectives and policies.

In summary, it is my opinion that the Zoning By-law Amendment Application is:

- Consistent with the policy directives of the Provincial Policy Statement;
- In keeping with the general purpose and intent of the policies and land use designations of the Municipality's Official Plan; and
- Is representative of good planning.

Respectfully submitted,

Laura Stone, Planner