

Planning Justification Report

Final for Submission

Official Plan Amendment - Wintergreen Lane Deep River

September 23, 2024

Jp2g Project # 23-7080A



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1 Purpose and Approach

The purpose of this report is to provide planning justification in support of an Official Plan Amendment to permit the creation of up to five new lots from an existing property with frontage on Balmer Bay Road.

The subject property is approximately 3.6 hectares (8.9 acres) in area with approximately 95 metres of frontage on Balmer Bay Road, 63 metres of frontage on Wintergreen Lane (Wintergreen Lane bisects the property), and 66 metres of frontage on the Ottawa River.

This report includes a description of the subject lands and surrounding area, as well as an assessment of the planning merits of the application in accordance with the applicable provisions of the Provincial Policy Statement, 2020 (PPS), the Town of Deep River Official Plan and Town of Deep River Zoning By-law No. 20-2020.

This application represents the first step in the process of creating the proposed new lots. An Official Plan Amendment is required due to the fact that most of the proposed new lots will be accessed via a private road. Should the Official Plan Amendment be approved, consent applications will follow, which will be supported by a hydrogeological assessment and an archaeological investigation.

2 Site & Surrounding Land Uses

The subject property is located on Balmer Bay Road and it is currently comprised of vacant woodlands. The subject lands are approximately 3.6 hectares (8.9 acres) in area with approximately 95 metres of frontage on Balmer Bay Road, 63 metres of frontage on Wintergreen Lane, and 66 metres of frontage on the Ottawa River. The property is irregularly shaped and stretches approximately 580 metres from Balmer Bay Road to the Ottawa River. The property is located within a cluster of several other similarly irregularly shaped lots. The immediate surrounding area is sparsely developed to the south and west, while lands to the east and southeast are comprised of several residential dwellings fronting the Ottawa River and Balmer Bay Road.

The Key Map and Map 1, attached to this report, show the location of the subject lands and the surrounding area. The surrounding land uses are as follows:

North:	Vacant lots, vacant woodlands, residential dwelling at 44 Wintergreen Lane, Ottawa River
East:	Vacant lot, residential dwellings, Ottawa River
South:	Vacant lots, vacant woodlands on the opposite side of Balmer Bay Road
West:	Vacant lots, vacant woodlands

3 Proposal

As noted above, the proposed Official Plan Amendment would facilitate the creation of up to five new lots. The new lots have been conceptually illustrated on Map 2. The new lots and retained lands are described in the following table:

Lot	Access	Frontage (metres)	Area (hectares)
Lot 1	Wintergreen Lane	31.6	0.74
Lot 2	Wintergreen Lane	31.6	0.68
Lot 3	Wintergreen Lane	31.6	0.47
Lot 4	Wintergreen Lane	31.6	0.46
Lot 5	Balmer Bay Road	47.5	0.65
Retained	Balmer Bay Road	47.5	0.74

Four of the new lots would front on Wintergreen Lane, while one of the new lots and the retained lot would front Balmer Bay Road. Wintergreen Lane is a private road that provides access to the subject property as well as four other adjacent properties.

As noted above, this Official Plan Amendment application would provide the necessary policy framework that would allow consent applications to follow. The Official Plan Amendment would permit up to five lots, but the number of lots may in fact be less, depending on the outcome of certain studies required to support the consent applications. A hydrogeological assessment will be required to support the lots that are all proposed to be less than one hectare in area and an archeological investigation will be required for at least that portion of the property that is within 300 metres of the Ottawa River.

4 Provincial Policy Statement, 2020 (PPS)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land.

4.1 Healthy, Liveable, and Safe Communities (1.1.1)

Section 1.1.1 of the PPS states that 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

The subject property represents an underutilized vacant site with existing frontage on a municipally maintained road and additional access via a private road. No new municipal infrastructure would be required. The proposed Official Plan Amendments would allow for the creation of new lots that would in turn provide the opportunity to provide new housing units within the Town.

4.2 Settlement Areas (Section 1.1.3)

The subject lands are within a "Settlement Area," which is defined by the PPS as: "urban areas and rural Settlement Areas, and include cities, towns, villages and hamlets". The PPS further explains that 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.

PPS policy 1.1.3.1 states that Settlement Areas shall be the focus of growth and development. Policy 1.1.3.2 provides the criteria for land use patterns within Settlement Areas. The proposed development is designed in accordance with the applicable policies in Section 1.1.3.2 as follows:

- The proposal represents an efficient use of land and resources (1.1.3.2(a)).
- The proposal will efficiently use existing municipal infrastructure and will not require any expansion to the municipal infrastructure (1.1.3.2(b)).

4.3 Sewage, Water and Stormwater (Section 1.6.6)

Section 1.6.6 of the PPS sets out the servicing policies and the preferred servicing hierarchy. Full municipal sewage and water services are the preferred form of servicing for urban areas (Section 1.6.6.2). In areas where full municipal sewage and water services are not or cannot be provided, and where site conditions are suitable over the long term, communal services are the preferred means of servicing development (Section 1.6.6.3). Development may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term (Section 1.6.6.4). Any future development of the subject lands will occur on individual private services. As noted above, the extent to which the existing property can accommodate new



development will be determined by the outcome of the hydrogeological and archaeological investigations carried out in support of the consent applications.

5 Town of Deep River Official Plan

5.1 Waterfront Designation and Overlay

A portion of the subject lands are covered by the Waterfront Overlay on Schedule “A-1” to the Official Plan. The Plan states that the intent of the waterfront designation is “to delineate one area from the entire shoreline of the Ottawa River within the Town, where a range of commercial, recreational and residential development will be welcome... and that the remainder of the waterfront is intended to receive minimal alterations and to remain an important community feature.”

Policy 4.5.3 (1) states that “new uses must first satisfy the policies of this Waterfront designation before they are tested against the other relevant policies of this Plan, including those of the underlying designation.”

Lastly, Policy 4.5.3 (4) states that

“in proposing the development of lands in the Waterfront designation, the applicant shall be required to provide a planning justification report that demonstrates how the proposal meets the intent and objectives of the Waterfront designation and how it is consistent with the goals and policies of this Plan and with good planning. If an official plan amendment is required because the proposed use does not conform to the underlying designation, the aforementioned justification shall form part of the basis of the amendment. The Municipality may obtain independent advice on the appropriateness of the proposal and the reasonableness of the justification provided in support of the proposal.”

The Waterfront Overlay is aimed at protecting waterfront access for members of the public, and indeed a large number of properties that fall within the Waterfront Overlay are owned by the town. There do exist, however, a number of properties subject to the Waterfront Overlay that are in private ownership. The goal with these properties should not be to facilitate public waterfront access. Instead, development that is compatible with the more rural nature of the surrounding area should be permitted. Any development that is ultimately proposed on the lots within the Waterfront Overlay will be required to adhere to the Official Plan policies and Zoning By-law standards aimed at protecting the integrity of the shoreline (i.e., setting back all buildings and sewage systems at least 30 metres from the high water mark).

5.2 Rural Designation

The subject lands are designated Rural (RU) on Schedule “A-1” to the Town of Deep River Official Plan. Section 4.9.1 states that the Rural designation

“applies to several areas of the Town that have developed without full municipal services. The intent of the designation is to provide an option for types and scales of development that are appropriate for individual onsite (private) services as well as infilling and minor rounding out of single service (water only) development along Highway 17. The designation will also provide rural-type housing options to residents as an alternative to housing located in the urban area of the Town.”

Section 4.9.2 provides the objectives for the Rural designation, which are:

1. To permit a range of rural residential, commercial and institutional uses provided the rural character, topography and landscape of the Rural area is preserved.

2. To promote rural living in a manner that is sensitive to the ecological balance and the protection of groundwater and surface water quality and quantity.
3. To maintain the economic and social stability of the Town by ensuring that factors such as municipal servicing limitations, environmental factors, land use compatibility and land capability are considered when reviewing development proposals.

Section 4.9.4 permits limited residential/estate residential development. Policy 4.9.4 (1) states that “all development must be of a scale, type and form that enable it to obtain regulatory approvals for individual on-site sewage services and individual on-site water services (where applicable).”

Lastly, Policy 4.9.4 (2) states that limited residential development shall be permitted in the Rural designation in accordance with the following:

1. Where a plan of subdivision is not considered appropriate for proper and orderly development, a consent for a new lot(s) may be considered which satisfies the Consent policies of this Plan.
2. Lots should not be located on lands which would involve major public expense in opening up and/or maintaining access routes, providing drainage or providing other public services and facilities, unless such major public services, access, or facilities are provided at the developer’s expense.
3. Lots should be relatively large, being not less than 4000 square metres (approximately 1.0 acre) and adequate for the installation of private services.
4. The Servicing policies of Section 5.2.1 shall be considered with regard to the applicability of individual on-site water and sewage services.

The proposed lots would conform to the more general Official Plan policies for the Rural designation. The lots would all exceed the minimum suggested lot area of 4,000 square metres and would therefore represent a form of development that is consistent with the character of the existing surrounding developed lots. Given the small scale of development, a plan of subdivision is not necessary for the orderly development of these lands. No public expense is required to facilitate the creation of the new lots. As noted elsewhere, policies pertaining to servicing will be adequately addressed by way of a hydrogeological assessment that will need to be completed in order to support the eventual consent applications and, ultimately, the total number of new lots.

Policy 4.9.4 (4) speaks to private road access and states that

“notwithstanding any other policies of this Plan to the contrary, where Council determines that exceptional circumstances exist such that it is not in the Town's interest that a new public road be developed, a lot created by consent may abut a private right-of-way, provided that:

- (a) Only one new lot, plus a retained portion, is created with water frontage abutting a private right-of-way by any such consent.”
- (b) No previous consents have been granted creating lots abutting the same private right-of-way.

The proposed development does not contemplate the construction of a new private road. Rather, the proposed lots would front on an existing, legally established private road, making this an efficient use of the existing access. The additional lots fronting Wintergreen Lane are not anticipated to have any adverse effects on traffic and the new users will be required to contribute to the ongoing maintenance and repair of the private road.

5.3 Subdivision of Land

Section 6.6.3 states that Council and the Committee of Adjustment will be guided by the following policies in determining the appropriateness of the applications:

1. Consents for new lot creation may be considered to infill existing developed areas and in other situations to achieve the better utilization of land.
2. Consents should not be granted where a significant extension of any major municipal service will be required.
3. The lot to be created and the retained lands shall have adequate frontage and access on a public road. Consultation is required with the applicable road authority. This policy does not apply to the creation of one new lot, plus the retained land, abutting a private right-of-way in accordance with Section 4.9.4 (4) Private Roads of the Rural policies.
4. Consents may be granted for technical purposes or minor adjustments to existing parcels of land, such as title corrections, boundary adjustments, lot additions, easements and rights-of-way.
5. Consents should not be granted if the result would be to interfere with or deter potential plans of subdivision.
6. A consent shall not be appropriate where detailed and complex implementation mechanisms would be required.
7. Generally, a proposal for land division by consent should involve the creation of no more than two lots (plus a retained parcel). Sequential consents for new lots from a given parcel of land should not be permitted as an alternative to a plan of subdivision.

The end result of the proposed consent applications would be the better utilization of the subject property. As noted elsewhere, there is no need for any new municipal services to facilitate the proposed development. With specific reference to policy 6.6.3(7) above, the Plan makes explicit use of the word ‘generally,’ meaning that the creation of more than two lots by way of consent is not prohibited. Rather, the consideration of additional consent applications should be done on a case-by-case basis. For the reasons outlined in this report, it is our opinion that it is appropriate and good planning to permit the creation of new lots by way of consent.

5.4 Official Plan Amendment

As noted, Official Plan Policy states 4.3.4 (4) only permits one new lot to be created that abuts a private road. Therefore, an Official Plan Amendment is required to allow the new lots to be created by consent.

The proposed wording of the amended “Residential – Exception One” designation is as follows:

Notwithstanding any policies of this Plan to the contrary, for the lands designated Residential – Exception XXX on the **Land Use Schedule** and described as Part of Lot 42, Range B, Geographic Township of Buchanan, in the Town of Deep River and located on Balmer Bay Road, the following provision shall apply:

- (a) The policies of Section 4.9.4 (a) and (b) do not apply.
- (b) A maximum of five (5) new lots, plus one (1) retained lot are permitted to be created by consent.

5.5 Summary

The proposed Official Plan Amendment to permit additional severances beyond the two normally considered by way of consent and fronting an existing public road has been evaluated against the relevant policies in the Deep River Official Plan. The new lots would comply with the policies of the Rural designation as well as the Waterfront Overlay, insofar as it can be considered applicable to private landholdings. The Official Plan Amendment is considered appropriate to facilitate the further division of the subject property.

6 Zoning By-law: Town of Deep River

The subject lands are zoned Estate Residential (ER), with a small portion abutting the Ottawa River zoned Floodplain. The ER zone permits detached residential dwellings and requires a minimum lot area of 0.6 hectares and a minimum frontage of 45 metres.

Four of the six lots (including the retained) would achieve the minimum lot area, while two would be slightly under at 0.46 and 0.47 hectares, respectively. Two of the lots would meet the minimum frontage, while four would require relief to this requirement. Nevertheless, the new lots would all meet the minimum lot size that is suggested in the Official Plan.

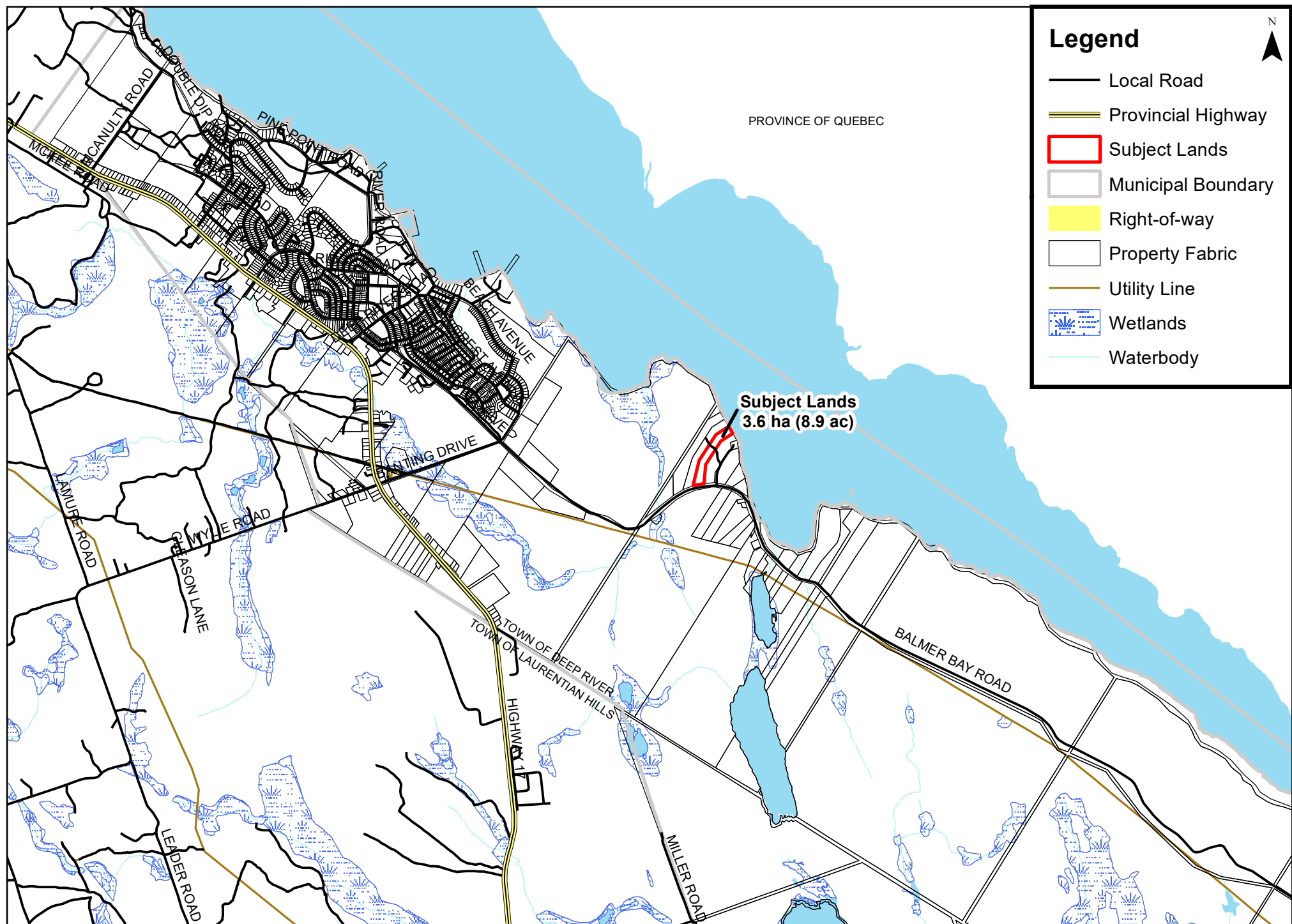
The lots would be large enough that all other requirements (i.e., setbacks) can be accommodated.

As noted elsewhere, given the fact that archaeological and hydrogeological investigations will be required to determine the ultimate number of lots that the property can support, it is recommended that a Zoning By-law amendment be submitted through the natural course of the consent applications.

7 Conclusions and Recommendations

The proposed application for Official Plan Amendment would facilitate the division of the subject property on Balmer Bay Road into a maximum of five new lots (plus one retained) by way of consent. It is our opinion that a plan of subdivision is not necessary for the orderly development of the land, which has direct access to a public road and a legally established private road. The proposal would provide for the efficient use of a currently underutilized parcel of land with the establishment of new housing in close proximity to the Deep River core. The Official Plan Amendment represents the first step in allowing the consents to proceed, and the ultimate number of lots applied for by way of consent applications will be determined by the supporting archaeological and hydrogeological assessments. The Official Plan Amendment is consistent with the Provincial Policy Statement, 2020, and represents good planning.

Key Map

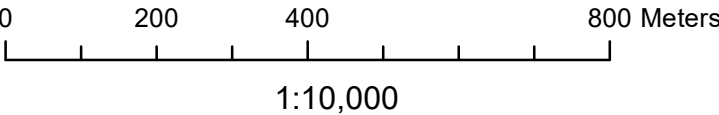


Key Map



Map 1

Site and Surrounding Land Use



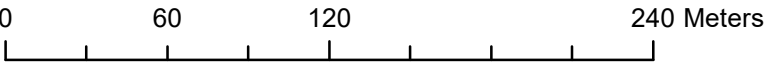
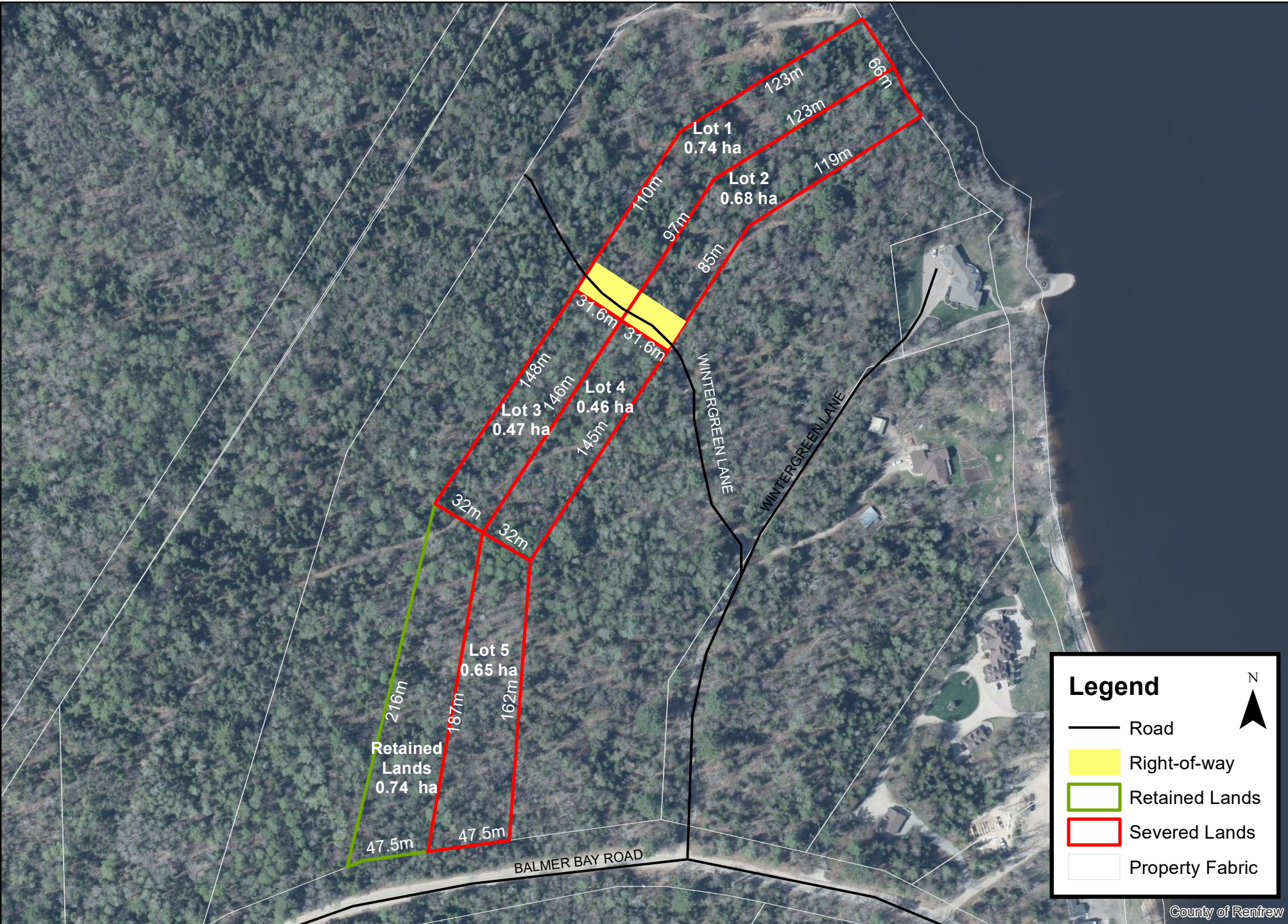
Site and Surrounding Land Use

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Prepared by: AH
Date: August 2024



Map 2

Conceptual Severance Sketch



1:2,800

Conceptual Severance Sketch

Legend

- Road
- Right-of-way
- Retained Lands
- Severed Lands
- Property Fabric

N

County of Renfrew

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Prepared by: KC
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