PLANNING JUSTIFICATION
REPORT

8946 County Road 91, Township of Clearview
Proposed Draft Plan of Subdivision

MELIORA TERRA LIMITED (2841848 ONTARIO INC.)

Prepared by:
Loft Planning Inc.
SEPT 2021
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1.0 Introduction

We have been retained by Meliora Terra Limited (the “Applicant”) to act as planners for a development proposal to create six (6) privately serviced, rural residential lots at 8946 County Road 91, in the Township of Clearview. The property is located on Sydenham Trail on the east side of Duntroon.

The Subject Lands are designated Rural and Special Policy Residential in the Township of Clearview Official Plan and are zoned Rural with a partial Floodplain Overlay in the Township of Clearview Zoning By-law 06-54. A single detached dwelling is permitted in the Rural Zone on a minimum lot area of 0.4 ha in size.

Pre-consultation discussions were undertaken with the Township of Clearview through which it was determined that the development should proceed through a plan of subdivision (versus a consent process). The following reports were submitted as part of a complete submission:

- Legal Survey
- Grading & Drainage Plan
- Sediment and Erosion Control Plan
- Planning Justification Report
- Agricultural Assessment Report (MDS)
- Servicing Study/Plan
- Functional Servicing Report
- Geotechnical Brief
- Hydrogeological Impact Study
- Draft Plan of Subdivision

This Planning Justification Report is provided as part of a complete submission. Land use planning policies, as articulated through Provincial and municipal planning policy, have been reviewed and are analyzed herein to evaluate the appropriateness of the Subject Lands for the proposed residential development.

2.0 Location & Site Description

The Subject Lands are legally described as PLAN 111 PT LOTS 15 TO 20 PT ARGYLE & BRIDGEND STS RP 51R16768 PARTS 1 & 3 PT PART 2 and municipally known as 8946 Highway 91 in the Township of Clearview. The site is located on the north side of County Road 91 east of Highway 124 and on the east side of Duntroon (Figure 1: Site Location).
The lands comprise an irregularly shaped parcel approximately 7 ha in lot area with frontage on Highway 91 (Figure 2: Aerial of Subject Lands). The property currently is vacant with the northern portion presenting as farm fields and the southern portion along County Road 91 as well treed along a watercourse that traverses across the south of the property. All future access to the site will be from Sydenham Trail which is proposes to be constructed as part of this development proposal.

3.0 Existing and Surrounding Uses

The Subject Lands are located on the east side of Duntroon, east of current development. The property historically has been used for crops and rural lands adjacent to County Road 91.

The area to the west comprises Duntroon which is predominantly single detached homes. The old Duntroon School abuts the property directly on the south west border and the Duntroon Daycare is located across the road to the south west on County Road 91. Existing and surrounding land uses are described as follows):

- **North:** Agricultural Uses and single detached residential uses along Sydenham Trail.
- **West:** Residential, Former Institutional.
- **South:** Residential.
- **East:** Residential and Agricultural Uses.

Generally, the area to the west comprises the settlement area of Duntroon with predominantly low density residential and limited commercial lands. The lands to the north and east are predominantly rural/agricultural but are interspersed with rural residential dwellings.

4.0 Proposed Development

This Planning Report has been prepared in support of a draft plan of subdivision for a total of six lots. Access will be from Sydenham Trail which will be constructed as part of this development proposal.

4.1 Site Design
The application proposes six rural residential lots to be created through the plan of subdivision process. Two lots will form rectangular parcels with the most westerly lot irregularly shaped following the west boundary of the Subject Lands and the most easterly lot l-shaped with frontage on both Sydenham Trail on the north lot line and County Road 91 on the south lot line. The proposed lots will have the following dimensions:

<table>
<thead>
<tr>
<th>Proposed Lot</th>
<th>Frontage</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>35 m</td>
<td>.936 ha</td>
</tr>
<tr>
<td>Lot 2</td>
<td>50 m</td>
<td>.657 ha</td>
</tr>
<tr>
<td>Lot 3</td>
<td>50 m</td>
<td>.65 ha</td>
</tr>
<tr>
<td>Lot 4</td>
<td>50 m</td>
<td>.66 ha</td>
</tr>
<tr>
<td>Lot 5</td>
<td>50 m</td>
<td>.96 ha</td>
</tr>
<tr>
<td>Lot 6</td>
<td>89 m</td>
<td>2.99 ha</td>
</tr>
</tbody>
</table>

Lots will be developed for single detached residential units with each lot being serviced through individual wells and septic systems. The proposed lots will front onto an extension of Sydenham Trail which extends from Highway 124 east. A road widening along the Sydenham frontage is proposed.

4.1.1 Engineering

Tatham Engineering was retained as the engineer of record. A Drainage Brief has been provided as well as engineering drawings regarding the road extension. The brief identifies the existing drainage boundaries and proposed stormwater management options for the site. The SWM options are prepared in accordance with the MOE Stormwater Management Planning and Design Manual, Township of Clearview Engineering Standards and NVCA Stormwater Technical Guide.

Peto MacCallum Ltd. was retained to prepare a Geotechnical/Hydrogeological Investigation. A Hydrogeological investigation has been submitted in accordance with Guidelines D-5-5 and D-5-4 for both Private Water Supply and Individual On-Site Sewage System Assessments to assess Hydrogeological recommendations including water well use in the vicinity of the property, ground water levels and gradient, ground water quality and quantity, and septic parameters. The Geotechnical Investigation recommends that the final design drawings be submitted to
PML for Geotechnical review for compatibility with site conditions and recommendations of this report. Earthworks operations should be carried out under the supervision of PML to approve subgrade preparation, backfill materials, placement and compaction procedures and check the specified degree of compaction is achieved throughout. Prior to placement of structural concrete, all founding surfaces must be inspected by PML to verify the design bearing capacity is available, or to reassess the design parameters based on the actual conditions.

4.1.2 Agricultural Impact Assessment

Orion Environmental Solutions was retained to assess the agricultural viability of the Subject Lands as part of the agricultural land base in the Township of Clearview and the Growth Plan for the Greater Golden Horseshoe’s Agricultural System, and to assess the impact of the proposed development on the agricultural land base. The assessment made the following conclusions:

- The proximity of the site to the existing settlement area of Duntroon and the establishment of rural residential lots directly north has eliminated the potential to maintain the Subject Lands in long-term agricultural use.
- The presence of the rural lot fabric and the surrounding residential development eliminates the use of the lands for any significant livestock production due to MDS requirements.
- Due to the size and location of the parcel, the lands have more value for residential use and provide very little economic incentive to retain in agricultural use.

The AIA recommended approval of the application based on no adverse impact expected on the viability of the provincial agricultural sector or the adjacent agricultural lands.

5.0 Policy Analysis

A review of planning documents must be undertaken to evaluate the conformity of the application to the Planning Act as well as the provincial and municipal planning documents. A review of the proposed Plan of Subdivision based on the relevant planning documents made the following conclusions:
1. **The Proposed Development has Regard for Matters of Provincial Interest (Section 2 of the Planning Act, 1990).** The proposed development is appropriately located on lands identified for rural residential use and will have no adverse impacts on agricultural uses in the area.

2. **The Proposed Development is in the Public Interest.** The proposed development will create new rural residential lots in an area identified for (special policy) residential uses and the development can proceed with the construction of Sydenham Trail completed as part of the development and the lots being privately serviced similar to all existing uses within Duntroon.

3. **The Proposed Development is Consistent with the Provincial Policy Statement 2020.** The Provincial Policy Statement (PPS) 2020 directs growth and development to rural settlement areas that can be supported on the available rural services.

4. **The Proposed Development Conforms to the Growth Plan for the Greater Golden Horseshoe, the Simcoe County Official Plan, and the Township of Clearview Official Plan.** The proposed application conforms to the plans which guide growth and development in Clearview Township. The subject lands have been identified as appropriate for rural residential use.

A detailed review of the applicable planning documents is provided in the following sections.

5.1 **Planning Act**

The Planning Act must be considered when reviewing development applications. In consideration of the proposed Plan of Subdivision, Sections 2 (Provincial Interest), Section 3 (Provincial Plan) and Section 51(24) (Subdivision) of the Planning Act apply.

5.1.1 **Provincial Interest**

Section 2 requires that regard be given to matters of “Provincial Interest” and provides a list of examples such as:

- Protection of agricultural resources.
- Conservation of significant features.
Provision of housing.
Orderly development of communities.
Appropriate location of growth and development.

The supporting studies submitted with the application confirm the ability of the Subject Lands to support the creation of the lots at this location and the appropriateness of the location for residential uses. The site is located within an area of the Township that has been identified as a special policy area on the east side of Duntroon. The Agricultural Impact Assessment confirmed that the proposed subdivision will not impact the agricultural resources in the area and that the lands are no longer appropriate for long term protection for agricultural use.

5.1.2 Provincial Plan Conformity

Section 3(5)(a) of the Planning Act requires that decisions affecting planning matters be consistent with policy statements and conform to provincial plans that are issued under the Act. The Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 apply to the evaluation of the proposed draft plan of subdivision and are addressed in the following section.

Criteria for Draft Plan of Subdivision

Section 51(24) provides additional criteria that must be considered as part of a draft plan of subdivision application:

- Impact on matters of provincial interest and whether in the public interest.
- Conformity to the official plan and any adjacent plans of subdivision.
- Suitability of the land for the proposed use.
- Suitable access to roads and highways.
- Dimensions and shapes of the proposed lots.
- Conservation of natural resources and flood control.
- Adequacy of utilities and municipal services and school sites.

The proposed draft plan of subdivision will have no impact on matters of provincial interest and the provision of housing is in the public interest. The proposed draft plan of subdivision conforms to the relevant official plan policies and is an area that has been identified for residential uses.
and, accordingly, residential uses at this location are considered appropriate. The lots will front onto and have access to Sydenham Trail which will require upgrading as part of this development approval. The subdivision has been designed to reflect other lots in the area and to efficiently use the land and infrastructure that is available. Finally, adequate services (which will be private) and utilities are available to the subject lands.

**Conclusion:** The proposed applications for the Subject Lands meet the requirements of the Planning Act RSO.

5.2 **Provincial Policy Statement (PPS) 2020**

The Provincial Policy Statement (PPS) 2020 provides overall policy direction for appropriate land use planning and development within Ontario while protecting resources of provincial interest, public health and safety and the quality of both the natural and built environment. The PPS directs growth to urban and rural settlement areas and promotes efficient development patterns, the provision of a range of uses, including housing, to meet future needs and the preservation and protection of important resources. Duntroon is identified as a Settlement Area in the Township of Clearview Official Plan.

The PPS also requires that, in addition to Section 1.0 that guides growth and development, the policies in Section 2.0, Wise Use and Management of Resources and Section 3.0, Public Health and Safety, also must considered. A review of the PPS identified relevant policies within Section 1.0 that guide Building Strong Healthy Communities and Section 2.0 that protect agricultural resources.

5.2.1 **Building Strong, Healthy Communities**

Section 1.1 recognizes that healthy and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range of uses including appropriate mix of residential units. Section 1.1.3 identifies settlement areas as the focus of growth and development and promotes their vitality. Land use patterns within settlement areas must be based on densities and a mix of land uses that (policy 1.1.3.2):

- Efficiently use land and resources and are appropriate for and efficiently use infrastructure, and public service facilities.
• Minimize negative impacts on air quality and promote energy efficiency and preparation for climate change.
• Support active transportation, transit and freight.

The housing policies in Section 1.4 also direct planning authorities to accommodate an appropriate range and mix of housing options and densities to meet the social, economic and well-being needs of future residents. The proposed draft plan of subdivision will create six (6) residential lots on the east side of Duntroon. Duntroon is identified as a secondary urban settlement area in the Township Official Plan and the application will facilitate the creation of new housing units to absorb future growth in this area. The studies undertaken in support of the application demonstrate that the Subject Lands can support the proposed development based on the available infrastructure.

5.2.2 Wise Use and Management of Resources

Section 2.0 of the PPS includes policies that provide for the protection of agricultural resources by preserving prime agricultural areas for long-term use. It is noted that, although designated as residential and special policy residential in the local official plan, the Subject Lands are considered prime agricultural lands based on the Canadian Land Inventory. The AIA submitted as part of the application confirmed that the lands are not suitable for agricultural uses based on parcel size and proximity to a settlement area.

5.2.3 Protecting Public Health and Safety

Section 3.0 of the PPS provides policies that protect public health and safety from natural and man-made hazards. No areas of natural or man-made hazards are located within a proximity that would preclude the proposed development. A watercourse traverses across the southern portion of the subject lands however development envelopes are proposed outside of this area.

Conclusion: Consistency with the Provincial Policy Statement 2020 has been demonstrated.

5.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe provides a plan for growth and development in the Greater Golden Horseshoe (GGH) to support the achievement of complete communities and prioritize intensification and the provision of a range and mix of housing options and the protection and conservation of resources. The Growth Plan directs the majority of growth and
development to recognized settlement areas like Duntroon. Schedule 8 identifies the Township of Clearview as being within the Simcoe Sub-area of the Growth Plan which provides additional growth policies for this area.

5.2.1 Managing Growth

Section 2 directs most growth to settlement areas that have a delineated built boundary and municipal infrastructure and can support compete communities. Within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas and areas with transit and public service facilities communities and limited in settlement areas that are not municipally serviced (policy 2.2.1).

The Subject Lands are located just outside the built boundary of Duntroon on lands that have been identified for future residential uses and the supporting studies demonstrated that the site can be developed on the available private services. The application will facilitate the creation of new housing units for the area and assist the Township of Clearview and the County of Simcoe in meeting their growth targets.

5.2.2 Agricultural System

Section 4.2.6 of the Growth Plan provides policies that apply to the Growth Plan’s Agricultural System. Given the Agricultural land classification that applies to the Subject Lands, the property could be considered part of the Greater Golden Horseshoe’s Agricultural System. The County of Simcoe Official Plan designates the property and the surrounding area as “Rural” and the Township’s Official Plan, designates the Subject Lands as “Special Policy Residential”. Outside the Greenbelt Plan Area, provincial mapping does not apply until it has been implemented in the applicable upper or single tier official plan (policy 4.2.6.8). Section 4.2.6.3 requires that where agricultural uses and non-agricultural uses interface outside of settlement area, impacts on the agricultural system must be minimized.

An AIA was undertaken which demonstrated that the Subject Lands are not suitable for long term agricultural use and will not have an impact on agricultural resources in the area.

5.2.3 Simcoe Sub-area
The site is located within the Simcoe Sub-area of the Growth Plan which provides additional policy direction on growth within Simcoe County. This section of the Growth Plan largely applies to primary settlement areas of which Duntroon is not identified.

**Conclusion:** Conformity to the Growth Plan for the Greater Golden Horseshoe 2020 has been established.

5.3 **County of Simcoe Official Plan**

The Subject Lands are identified as “Rural” on Schedule 5.1 of the County of Simcoe Official Plan. Growth management and lot creation policies in Part 3 as well as policies that guide land uses in the Rural designation are relevant to the proposed draft Plan of Subdivision. Duntroon is a “secondary urban settlement area” in the Township of Clearview. The property is located just outside the residential boundary of Duntroon, however, as discussed, on lands designated as “Special Policy Residential”.

5.3.1 **Growth Management Strategy**

The Growth Management Strategy in Section 3.1.1 directs significant portion of growth and development to settlement areas where it can be effectively serviced and municipalities with primary settlement areas will direct a significant portion of population and employment growth to these primary settlement areas (policy 3.2.3). While not technically within the settlement area boundaries, the Subject Lands comprise an area that is expected to absorb future residential growth directed to Duntroon a secondary urban settlement area.

5.3.2 **Rural / Lot Creation**

The lands are designated Rural in the County Official Plan. In the Rural designation, Section 3.7.4 permits, (d) limited residential development subject to Section 3.7.11. Section 3.7.11, provides 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. Local municipal official plans may continue to recognize this type of development permitted under this policy and provide appropriate policies for development.

**Conclusion:** Conformity to the County of Simcoe Official Plan has been established.
5.4 Official Plan of the Township of Clearview

The Subject Lands are designated as “Residential” and “Special Policy Residential” on Schedule A8 – Duntroon Land Use and Transportation Plan by the Official Plan of Township of Clearview (Figure 3: Township of Clearview Official Plan).

5.4.1 Municipal Growth Strategy

Section 2.3 identifies Duntroon as a Secondary Urban Settlement area within the Township. The subject lands are designated Residential and Special Policy Area and are lands directly adjacent to the Settlement Area.

Duntroon does not have municipal services and development proceeds on private septic and sewage systems and, therefore, Duntroon is limited in the ability to absorb intensive, compact development. Development such as that proposed is typical of this area of the Township. Development form policies in Section 3.6 require a sufficient supply of lands to meet future needs and diversity of housing types to meet all lifestyle preferences of the Township’s residents and strive to minimize the impact of new development on Clearview’s natural, cultural and agricultural resources.

The proposed development will facilitate the creation of additional housing in Clearview in a manner which minimizes the impact on adjacent uses and of a design that reflects the surrounding lot pattern in the area.

5.4.2 Rural – Special Policy Residential - Duntroon

Section 4.4.4.1 provides policies that address the Special Policy Residential designation that applies to the Subject Lands. This section states that although not falling within the defined boundary of the Duntroon urban settlement area, these lands are considered a logical extension of the community and potentially suited to development based on private services. It is the intent of this Official Plan that consideration for future development proceed based on approval conditions stipulated in Section 4.6.6.

As per Section 4.6.6, the policies within 4.4.4.1 apply, however technical reports were submitted which meet the criteria within Section 4.6.6. This included, cash-in-lieu of parkland, the dedication of lands for public purposes including public highways, the provision of services, the
provision of adequate surface drainage facilities, the re-division of the land by a new registered plan of subdivision.

**Conclusion:** Conformity to the Township of Clearview Official Plan has been established.

### 5.5 Township of Clearview Zoning By-law No. 2003-60

The Subject Lands are zoned “Rural” with a partial Floodplain Overlay in the Township of Clearview Zoning By-law 06-54. The draft plan complies with the Rural Zone provisions (Figure 4: Zoning Bylaw).

The zone regulations for the Rural Zone include the following:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Minimum Lot Area</th>
<th>Proposed</th>
<th>Minimum Lot Frontage</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>0.4 ha</td>
<td>.9 ha</td>
<td>45 m</td>
<td>50 m</td>
</tr>
<tr>
<td>Lot 2</td>
<td>0.4 ha</td>
<td>.6 ha</td>
<td>45 m</td>
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</tr>
<tr>
<td>Lot 3</td>
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<tr>
<td>Lot 6</td>
<td>0.4 ha</td>
<td>2.99 ha</td>
<td>45 m</td>
<td>89 m</td>
</tr>
</tbody>
</table>

Section 3.3.7 provides regulations for the Hazard Land Special Policy (Overlay) which states that buildings or structures in the flood fringe are not permitted unless they were legally existing on the date of adoption of the ZBL, or are a permitted use of the underlying Zone, are within an approved two zone floodplain management area, and have been approved by the Township and are authorized in a permit issued by the Nottawasaga Valley Conservation Authority. There are building envelopes outside of the hazard land overlay available for development.

### 6.0 Conclusions

This Planning Report has been prepared in support of the application for a draft plan of subdivision at 8946 County Road 91 in Clearview Township. The application is in keeping with the Planning Act RSO 1990, is consistent with the Provincial Policy Statement, 2020, and conforms to the Growth Plan for the Greater Golden Horseshoe 2020, Simcoe County Official Plan, the Township of Clearview Official Plan and the Township of Clearview Zoning By-law. Furthermore,
it is our opinion that the applications represent good land use planning.

Respectfully Submitted,

LOFT PLANNING INC.

Kristine A. Loft, MCIP RPP
Principal
Figure 1
Subject Location
8946 County Rd 91
Township of Clearview

8946 County Road 91
Figure 2
Aerial View
8946 County Rd 91
Township of Clearview
Figure 4
Official Plan
8946 County Rd 91
Township of Clearview
DRAFT PLAN OF PROPOSED SUBDIVISION
PART LOTS 15, 16, 17, 18, 19 AND 20 OF SOUTH EAST BLOCK, REGISTERED PLAN 111, PART OF ARGYLE STREET, PART OF BRIDGEND STREET, REGISTERED PLAN 86
TOWNSHIP OF CLEARVIEW
COUNTY OF SIMCOE
2021

KEY PLAN

DPS-1

METERS
0
25
50

LOT 1
0.936ha

LOT 2
0.657ha

LOT 3
0.658ha

LOT 4
0.660ha

LOT 5
0.965ha

LOT 6
2.994ha

DRAFT PLAN OF PROPOSED SUBDIVISION
TOWNSHIP OF CLEARVIEW
COUNTY OF SIMCOE
2021

LOT 1
0.936ha

LOT 2
0.657ha

LOT 3
0.658ha

LOT 4
0.660ha

LOT 5
0.965ha

LOT 6
2.994ha

DRAFT PLAN OF PROPOSED SUBDIVISION
TOWNSHIP OF CLEARVIEW
COUNTY OF SIMCOE
2021