

**LRC CAMPBELL PROPERTY
PLANNING REPORT
Prepared for LRC Campbell Ltd.
August 2, 2023**

This report accompanies the following applications of LRC Campbell Ltd. to the County of Haliburton, to enable development of its vacant property immediately north of its commercial property at 5065 County Road 21, Haliburton Village, Municipality of Dysart et al:

- plan of subdivision, five lots,
- common elements condominium description, one block, providing road access to the subdivision lots.

The purpose of this report is to provide:

- required information where there is not enough space to do so on the application forms,
- additional background and information that will assist the municipalities and the public in their consideration,
- a planning opinion on behalf of the applicant.

Other materials prepared and submitted in support of the application and relied on in this report are as follows:

- Stage 1 & 2 Archaeological Assessment, Earthworks Archaeological Services Inc., July 11, 2020
- Letter from Ministry of Heritage, Sport, Tourism and Cultural Industries to Shane McCartney, Earthworks Archaeological Services, August 13, 2020
- Hydrogeological Servicing Study, Palmer, July 5, 2023
- Storm Water Management and Construction Mitigation Plan, Pinestone Engineering Ltd., April 2023
- Environmental Impact Study, Michalski Nielsen Associates Limited, July 13, 2023.

Also relied on and submitted in support of this report are Phase One and Phase Two Environmental Site Assessment Reports, Geo-Logic Inc., October 2012.

1 Subject Lands

The subject property is assessment roll number 4624 012 000 73314, PIN 39174-0447, and has no civic address.

The property area is 3.67 ha. The property consists of Parts 1 and 2, Plan 19R-9718. The lot boundary with 81 Mallard Road is not correctly shown on the Land Information Ontario database.

There is a mutual drive along the south side of the subject property and the north side

of the adjacent 5065 CR 21, also owned by the applicant. Title for each lot includes a right-of-way permitting vehicle and pedestrian access over the other lot's portion of the drive. The subject lot's portion is Part 2, Plan 19R-9718, which accounts for 0.07 ha of the lot. The 5065 CR 21 portion is Part 3 of that plan.

Title also includes two rights-of-way over 5121 CR 21:

- one permitting vehicle and pedestrian access between CR 21 and the east end of the mutual drive, which is actively used,
- one unrestricted right-of-way to Mallard Road southeast of 81 Mallard Road, which has never been used.

Access to the property is from the above-mentioned right-of-way from CR 21, and from Mallard Road northwest of 81 Mallard Road.

2 History and Existing Development

History

Following the Robinson-Huron Treaty of 1850, which was thought to include most of what became Haliburton County, Dysart Township was surveyed in 1861, and the original lots including the property were patented in 1865 as part of the Canadian Land and Emigration Company land grant. The property was further subject to the Chippewa Williams Treaty of 1923, intended to include bands and lands omitted from the 1850 treaty.

The lots including the property were resold to the first of a succession of individual owners between 1867 and 1883. Air photos show the property as partly cleared for agriculture in 1935, but by 1971 and thereafter, it was mostly forested until the south part was developed.

A lot consisting of 5065 CR 21 and the subject property was created by severance in or about 1989. 97265 Ontario Limited acquired this still-vacant lot in January 2003. That company proceeded to develop the present Curry Chevrolet Buick GMC dealership on the south part of the lot in 2005-2006. On May 10, 2013, 97265 sold the lot to the present owner LRC Campbell Ltd. In September 2014, Haliburton County granted provisional consent to sever the vacant subject property from the developed 5065 CR 21, and certificate of consent was issued August 25, 2015. On September 1, 2015, LRC Campbell sold the severed subject property to itself, to meet *Planning Act* requirements.

An Environmental Site Assessment was conducted on the lot as it was prior to severance, in 2012. The Phase Two report concluded, "there is a low level of concern from an environmental perspective and is suitable [sic] for the current zoned use" (p. 2).

The property, having a mapped watercourse through it, was considered to be an area of

archaeological potential for the purposes of these applications. An assessment was therefore commissioned, as described in the Stage 1 & 2 Archaeological Assessment. The desktop Stage 1 was followed by Stage 2 field work. A test pit survey was undertaken and no archaeological material was found. The report was submitted to the Ministry of Heritage, Tourism, Sport, and Culture Industries, and was accepted without staff review on August 13, 2020.

Existing development

There are no buildings or other structures on the property. There are two existing driveways, one north-south from Mallard Road to the dealership, and one east-west in the mutual drive strip.

The present owner and its predecessor have undertaken clearing and site alteration on portions of the property, including some alteration of the mapped watercourse, and have used some of the cleared areas for dealership vehicle storage.

The subject property is surrounded by a mix of uses and development:

- to the south, the owner's automobile dealership (5065 CR 21);
- to the east, Todd's Your Independent Grocer and a Mobil gas station (5121 CR 21);
- to the northeast, Walker's Heating and Cooling (81 Mallard Road);
- to the north, a lot zoned for commercial use but with no apparent active use (113 Mallard Road);
- to the northwest, two vacant lots zoned for residential use (unnumbered);
- to the southwest, a residence (5061 CR 21).

Within 500 m:

- Along CR 21 to the east, development is largely highway commercial.
- Along CR 21 to the west, development is mostly residential, with some highway commercial (notably Tim Hortons, 5003 CR 21) and some vacant land.
- To the west north of CR 21 are residential lots, some developed, some vacant.
- Along the south side of Mallard Road nearer the subject property, zoning is commercial, while across and farther along Mallard Road and Industrial Park Road, zoning is mainly industrial. Many of the lots between Mallard Road and Industrial Park Road are constrained by a wetland, zoned EP. Actual use of these lots is a mix of industrial and commercial, and some are vacant.
- The northeast corner of the subject property is 490 m from the southwest corner of the Haliburton Landfill.

Industries within 500 m of the subject property would appear to be a mix of Class 1 and Class 2. There do not appear to be any Class 3 industries within 1,000 m. The closest industry, Walker's Heating and Cooling, would appear to be Class 1; outside storage appears to be limited to the business's own vehicles and equipment, used for services provided offsite.

The 2012 Environmental Site Assessment Reports would generally satisfy any need for a previous use inventory. There have been no significant changes to development and use on or adjacent to the subject property since 2012.

3 Environmental Conditions

Environmental conditions, and the work undertaken to assess them, are described in detail in the Environmental Impact Study (EIS).

The subject property consists of the following main ecological components (see EIS Figure 2), which would fall within the following proposed lots and block:

- mixedwood and hardwood forest - 1.4 ha - all lots/block except Lot 3
- cattail marsh inclusion - 0.2 ha - Lot 2
- cultural meadow and thicket - 0.4 ha - Lots 2 and 3
- cleared and managed lands - 1.7 ha - all lots/block except Lot 1.

The cattail marsh inclusion is not identified as wetland by Land Information Ontario, or as Ducks Unlimited wetland in the Haliburton County mapping system. This very small wetland inclusion was created as a result of site alteration along the small drainage course that crosses the property, and does not have any natural heritage values.

There are, however, wetlands identified by both Land Information Ontario and County mapping, to the west and east of the property which are respectively the source and destination of the drainage course. Neither of these is a high-value wetland. The downstream wetland in the industrial park has been impaired by human activity. Also shown on County mapping only, are two small wetlands just east of the subject property, on 5121 CR 21 and 81 Mallard Road - these wetlands do not actually exist.

The small drainage course itself has, as noted, been significantly altered. It provides a conveyance function only, and its flow is intermittent. It does not provide any fish habitat.

It should also be noted that the Hydrogeological Servicing Study describes this drainage course as an "ephemeral swale" that was "dry" when observed and has "little to no groundwater support" (p. 33). The Storm Water Management and Construction Mitigation Plan describes it as intermittent.

Regarding species at risk:

- ▶ The forest includes some trees that have the potential to provide habitat for three endangered bat species.
- ▶ An eastern wood pewee was encountered in the forest, which could be assumed to provide habitat for that special concern species. However, this species is well

represented locally, so the EIS did not indicate any concerns that it would be negatively impacted by the proposed development provided best practices are followed.

The EIS did not identify any features that would qualify as significant wildlife habitat.

Accordingly, the EIS does not recommend that the forests or the wetland inclusion be protected. It does recommend that the small drainage course be further altered to stabilize it and that it be buffered on either side, to improve its function for intermittent clean water conveyance.

The EIS also includes recommendations for minimizing development impacts on the property's species at risk habitats and environmental values, as well as downstream water quality. These are discussed further in section 13 of this report. The report concludes that with its recommendations in place, there should be "no concerns with the proposed subdivision of these lands to allow for five commercial lots" (p. 15).

Site topography is shown on the Draft Plan. The southwest and south-central portions are fairly level, and no doubt not coincidentally, it is those portions that have been largely cleared. From this area of about 330 to 335 m elevation, slopes rise to two high points, 346 m at the northwest corner, and 342 m along the east boundary. The ground then falls northwards, to 333 m at Mallard Road. Slopes exceed 25% on some of the hillsides, but these areas are restricted to the rears of the proposed lots in which they occur.

4 Current Planning Status

In the Haliburton County Official Plan, the subject property is designated Urban. No schedules of the Plan constrain the property, nor as already mentioned, does the text-referenced Ducks Unlimited wetland mapping include any of the property.

In the Dysart et al Official Plan, the subject property is designated as Employment Area - Business Park. The property lies within the Haliburton Village Urban Policy Area and the Haliburton Village Service Area. There are no schedule constraints involving the property or lands adjacent to it.

The property is zoned CH.

In the Dysart et al documents, because the lot boundary with 81 Mallard Road is wrongly shown as already mentioned, part of the property is incorrectly shown as being within 81 Mallard's Employment Area - Industrial Park designation and M-3 zone.

To enable development of the auto dealership, a site plan agreement was executed on July 20, 2005. This legally covered the entire pre-severance lot. Whether the actual drawings and accompanying stormwater management plan extended north of what is now

5065 CR 21 is unknown, as the available drawings are incomplete and the stormwater management plan is not readily available.

The Dysart et al (May 20, 2014 and July 22, 2014) and County (September 8, 2014) staff reports on the 2014 provisional consent make clear that the purpose was to allow for future development of the severed lot independent of the auto dealership. The reports make the following points about that future development.

- ▶ Access is to be from 5121 CR 21 or Mallard Road.
- ▶ Development will be required to connect to municipal sewage services.
- ▶ "There is a drainage feature that flows from the west, across the north portion of the property towards the wetlands in the Industrial Park. A storm water management pond was constructed with the Curry Motors project, in part, to address this drainage issue [this appears to be referring to the pond on the northeast corner of 5065 CR 21]. When a specific development project is proposed for the north portion of this property, an updated the [sic] storm water management plan will be required." (Dysart staff report, July 22, 2014.)
- ▶ A new site plan will be required for the severed lot, with that lot removed from the existing agreement.

5 Development Proposal

The applicant's opinion is that the highest and best use of this property is for "light industrial and commercial uses", as per section 7.5.1 of the Dysart et al Official Plan. I agree.

The intention of the current applications is to divide the land into five lots, plus a common element block. That block would include the two existing driveways, to allow access from Mallard Road directly and from CR 21 via 5121 CR 21. All lots would access onto the north-south driveway, and Lot 5 would also front on and could access onto the mutual drive. Measures to prevent access to the proposed lots through 5065 CR 21 and ensure that the north-south driveway is not used as a shortcut between Mallard Road and the auto dealership's CR 21 frontage, are discussed below.

As already mentioned, specific recommendations for protecting the property's environmental values and minimizing development impacts are discussed in section 13 of this report.

Development would be served by municipal sewage services.

Each lot would be provided with one or more private wells. The Hydrogeological Servicing

Study demonstrates that groundwater resources should be adequate to support commercial development on each lot, while recognizing that "the total water supply required to support a commercial development will vary based on water use of the business" (p. 32) and that additional testing or permitting could be required in certain cases. Drinking water quality is generally satisfactory, and any exceedences can be readily addressed through typical treatment methods. There should be no significant adverse effects on nearby domestic water supplies or natural features.

As the Storm Water Management and Construction Mitigation Plan indicates, parking lot ponding or a stormwater management pond will be provided on each lot, to accommodate stormwater from developed surfaces prior to discharge to swales along the driveways. On the remainder of the property, existing surface drainage patterns will generally be maintained. Detailed design of stormwater facilities will be undertaken at the site plan approval stage for each lot.

That study also notes that concerns about use of the north-south driveway as a shortcut, have recently been addressed by installation of a traffic barrier within 5065 CR 21, on the south side of the mutual drive.

6 Planning Applications

Initial preconsultation was conducted with the County and Dysart et al between March and May 2020. Among other things, this process determined the types of applications that would be submitted, and the reports that would be prepared and submitted in support. Further preconsultation continued intermittently up to September 2022.

As already indicated, two applications are being submitted to the County.

The application for a plan of subdivision would create five lots, from 3.07 ha of the subject property.

The application for a common elements condominium description would create a single common element block, from the remaining 0.60 ha of the subject property. This would include a 16 m allowance to accommodate the north-south driveway, plus the east-west mutual drive, Part 2, Plan 19R-9718. The block would also include some lands along the east side of the north-south driveway that would not be developable due to property configuration.

County staff have agreed that the proposed divisions for both applications could be shown on a single Draft Plan, which we have done.

The County requires as part of a complete application, consideration and comments by Dysart et al Council. For this, Dysart et al essentially requires all the components of a complete application, except of course for its own comments and County fees.

Therefore, these applications are being submitted to both municipalities at the same time, and so do not include Dysart et al's comments at this time.

It has also been determined that a zoning bylaw amendment would be required, to allow the lots to front onto the condominium road as it would not be a municipal road. Dysart et al has recommended that we not submit any rezoning application at this time, and that this (and any other possible zoning requirements that may be identified during review) be addressed as a draft plan condition.

7 Public Involvement Strategy

Regulation 544/06, Schedule 1 requires that complete applications for plans of subdivision (though not condominium descriptions such as that also being applied for) include public consultation strategies. There is no further Provincial guidance on the subject. Nor does section 16.8.2 of the Dysart et al Official Plan provide additional direction with regard to subdivision applications.

Section 8.3.6 of the County Official Plan indicates that in addition to minimum *Planning Act* requirements, at least two additional consultation methods be used (examples are provided). This policy also sets out the elements that the strategy should include.

Following approval of the present County Plan, the Legislature repealed, effective September 2019, third-party appeal rights for plans of subdivision and condominium descriptions. Then, effective November 2022, the Legislature repealed public meeting requirements for plans of subdivision. The latter change has rendered Regulation 544/06, based on the *Planning Act* as of September 2019, somewhat obsolete. Whether this means that section 8.3.6 should now be considered moot because the Legislature has chosen to minimize public involvement in subdivision and condominium decisions, or whether its requirements become that much more important, is an interesting question. Nearby owners will still, of course, receive notice of plan of subdivision complete application, and will be free to submit written comments to the County.

In any event, a public involvement strategy is still required. This section of the report constitutes that strategy, which should be considered in light of the preceding comments.

Minimum notice requirements of Regulation 544/06 are as follows:

- ▶ Municipality mails its standard-format notice of complete application to all owners within 120 m of the subject property.
- ▶ Municipality posts notice on the property.

or,

- ▶ Municipality places advertisement in one local newspaper.

Although the County Plan has not modified the minimum requirements, County practice appears to be to do all of the above.

As noted above, Dysart et al Council will be considering these applications, for purposes of submitting comments to the County. However, based on the minimum notice requirements, there will be no notice of Dysart et al's consideration, because from the County's perspective, the applications will not be complete. Based on those minimum requirements, there will be theoretically be an opportunity for the public to comment to Dysart et al, but realistically, only for those who notice the matter is on Dysart et al's web-posted agenda and are able to submit comments in the few days between then and the Council meeting.

The required elements of the public involvement strategy include the following (in *italics*, with my response in roman):

Scope and objectives of the consultation

It is not expected that this proposal will cause significant public concern, beyond immediate neighbours, if at all. That geography will define the consultation's scope. The objectives are to share all public-record information on both applications with all interested parties; to discuss with all interested parties, any concerns they may have about the applications and supporting information; and to consider and identify changes to the applications that might reasonably accommodate such concerns, without prohibiting the development of the lands and while remaining consistent with good planning principles and practice.

Stakeholder mapping (who is to be consulted and why)

The consultation focus should therefore be on all abutting owners and other owners within 120 m, although it is also important to make the applications generally known within the Haliburton Village community at large.

It is important to note here that any Indigenous communities that may have interests in the subject area, are not "stakeholders" or "the public". Municipal obligations under the constitutional duty to consult or Policy 1.2.2 of the Provincial Policy Statement remain unclear. In my opinion, any consultation with Indigenous communities would properly be undertaken by the Municipality, not the applicant, and would fall outside the public involvement strategy.

Methodology to be used

The Official Plan requires use of at least two additional consultation methods, which may

but do not have to be drawn from the list provided.

We propose to use the following additional consultation methods:

- ▶ I will prepare a summary print/digital package describing the proposal. This will be provided to the municipalities concurrent with the applications.
- ▶ Within 30 days of the submission of the applications, the County will mail this package to all owners within 120 m. This is the only reliable way to get this information into all of the owners' hands. It is our experience that because of *Municipal Freedom of Information and Protection of Privacy Act* limitations, the applicant cannot successfully deliver on this objective itself. In the package, I will indicate our willingness to discuss at any time, as per the objectives described above.
- ▶ Within 30 days of the submission of the applications, the County or Dysart et al will post the package on its website. I note that the County does not seem to be set up to do this; Dysart et al is, but they are not technically the recipient of the applications. I urge the two municipalities to figure out how best to address this, so that the Draft Plan and reports can also be posted in the same place, along with subsequent public-record reports, submissions, etc.
- ▶ Within 30 days of the submission of the applications, the applicant will post a notice on its Mallard Road frontage, indicating the general nature of the proposal and applications, and contact information for County staff and me.
- ▶ If the review process results in significant changes to the proposal, I will revise the summary package, which would be posted online as per above, or if that is not feasible, mailed by the County to neighbours and anyone else who has expressed interest.
- ▶ As a qualified professional, I will represent the applicant, and present on its behalf, at all statutory and other Council meetings considering the applications.

To assist us, we will expect the County and Dysart et al to provide us with any nonconfidential written communications they receive from the public, immediately following receipt.

Process timing

As described above and as otherwise dictated by the municipal process.

Consideration of public comments

All communications directly to the applicant will be responded to. As for communications directed to the municipalities, it will be up to municipal staff to advise the applicant which, if any, it should respond to. All written communications directly to the applicant will be retained. Verbal communications will not be digitally recorded but notes will be made and retained. Beyond that, consideration of public comments is a municipal staff responsibility.

Comments will be considered as per the objectives described above.

Outline of how the results will be reviewed and documented

The channel for communication of public views to the decision-makers must remain directly between the public and the County. And I will make clear to all those whom I have contact with - if you want to make your views known to Council and appear on the public record, you must write the County. And if you have questions more appropriately directed to staff than to the applicant, you must write or phone the County. Communicating with me is not a substitute.

Therefore, the overall review and documentation of public comment is a municipal staff responsibility.

The primary purposes and potential benefits of the additional consultation described above are:

- ▶ To provide the interested public with additional information, above and beyond what, and more quickly than, Municipal staff would consider to be within their normal responsibilities.
- ▶ To provide a channel for informal discussion of concerns and potential problem resolution, of the type most effectively conducted directly between the public and the applicant, without depending on Municipal staff as intermediaries (and in any case staff might view such a role as being beyond their normal responsibilities).
- ▶ To provide a channel for informal, without-prejudice negotiations directly between the public and the applicant without municipal involvement.

Therefore, it is important that the applicant respect the privacy of these contacts. It would not generally be appropriate for us to share actual communications from the public with the County or other third parties, unless specifically so requested by the sending party and agreed to by the receiving party (of course, a member of the public communicating with us is free to copy that communication to the County). We will keep the County informed of the general nature and tenor of communications, but the extent

to which we will provide any detail will be determined by my professional judgement as to what is appropriate in the circumstances. For example, if without-prejudice negotiations are in progress, it would not be appropriate to share with the County or any other party any information beyond possibly divulging that negotiations are taking place.

Communication plan (if required)

The elements of our communication plan have been addressed above.

8 Planning Act

On the basis of the information and opinions provided in this report, in my opinion the proposed plan of subdivision and condominium description:

- ▶ have appropriate regard to the applicable matters of provincial interest listed in section 2 of the *Planning Act*,
- ▶ have appropriate regard to the subdivision approval criteria listed in section 51(24) of the *Act*.

9 Provincial Policy Statement

In my opinion, the proposed plan of subdivision and condominium description are consistent with the Provincial Policy Statement. The following PPS policies merit particular comment.

- ▶ Policy 1.1.3.2 describes appropriate development in the urban areas of municipalities. The proposed development is a type of development contemplated by this policy and is entirely consistent with the policy.
- ▶ Policy 1.3 describes how community economic development and competitiveness should be promoted. The proposed development is a type of development contemplated by this policy and is entirely consistent with the policy. It is also proposed to be located in an existing employment area.
- ▶ Policy 1.6.6.2 indicates municipal sewage services and municipal water services are preferred in settlement areas. The proposed development would be serviced by municipal sewage services; Haliburton Village has no municipal water services.
- ▶ Policy 1.6.6.4 indicates individual on-site water services are the next preference for individual lot development. The Hydrogeological Servicing Study demonstrates that sufficient water supply is available, thereby meeting the tests of Policy 1.6.6.1.
- ▶ Policy 2.1.7 refers to the protection of habitat of endangered and threatened species.

As already mentioned, the EIS indicates that three endangered bat species have the potential to use some of the trees present on the site. The report demonstrates that the proposed development would have minimum negative impacts on this potential habitat, provided the report's recommendations for protecting the property's environmental values and minimizing development impacts are implemented. It would be the owners' ongoing obligation to comply with provincial and federal requirements. Therefore, the test of Policy 2.1.7 would be met.

- ▶ Policies 2.2.1 and 2.2.2 generally require the protection or improvement of water quality and sensitive surface and ground water features. The EIS shows that there are no such features on the property. It also shows there should be no discernible impacts on downstream water quality, provided the report's recommendations for protecting the property's environmental values and minimizing development impacts are implemented. As well, section 5.1.3 of the Dysart Official Plan prohibits a variety of uses that could adversely affect groundwater.
- ▶ Policy 2.6.2 requires the conservation of any significant archaeological resources in areas of archaeological potential. The Stage 1 & 2 Archaeological Assessment was undertaken, and determined there were no archaeological resources present.

10 Haliburton Official Plan

In my opinion, the proposed plan of subdivision and condominium description conform with the County Official Plan, and the following sections in particular:

- ▶ The land use objectives, section 1.3.
- ▶ The general development directions for settlement areas, section 2.3.2.
- ▶ Employment growth targets, section 2.8.1.
- ▶ The sustainable natural environment objective, section 5.2.
- ▶ The endangered and threatened species habitat policies, section 5.3.1.3 - see discussion under the parallel PPS policy in section 9 of this report.
- ▶ The policies for County-identified, non-provincially-significant wetlands, section 5.3.3.1. There are four wetlands shown as Ducks Unlimited wetlands on County mapping, some portions of which are within 120 m of the subject property. As noted in section 3 of this report, one of these is upstream and one is downstream of the intermittent small drainage course passing through the subject property. Neither of these two wetlands possess the values associated with a provincially significant wetland. In any event, the upstream wetland, on 1022 Nimigon Lane, could not be affected by the proposed development, and the downstream wetland,

in the industrial park, should not be adversely affected with the EIS's recommendations in place. The other two wetlands do not actually exist.

- ▶ Policies governing compatibility with industrial land uses, section 7.7. While portions of the subject property are within the prescribed influence area of Class 1 industries and may be within the prescribed influence area of Class 2 industries, no sensitive land uses are anticipated on the subject lands.
- ▶ Policies governing areas of influence around waste management sites, sections 7.8.4 through 7.8.9. As noted in section 2 of this report, the northeast corner of the property is about 490 m from the southwest corner of the Haliburton Landfill. The lands within 500 m of the landfill are insignificant, consisting of the north end of the proposed common element road block, and a minute sliver of the proposed Lot 1. Because of the proximity of Mallard Road, the nature of the common element, and the configuration of lot boundaries, there will be no structures on these lands. Therefore, there is no practical reason for the requirements of these policies to be triggered.
- ▶ Policies requiring archaeological resource conservation, sections 7.6.2, 7.6.5 - see discussion under the parallel PPS policies in section 9 of this report.
- ▶ The land division policies, section 7.15.

11 Dysart et al Official Plan

In my opinion, the proposed plan of subdivision and condominium description conform with the Dysart at al Official Plan, and the following sections in particular:

- ▶ The environment, community, and economic objectives, sections 2.2.1, 2.2.2, and 2.2.4.
- ▶ The cost-effective development principles, section 3.1.
- ▶ The Haliburton Village Service Area policies, section 3.3.2. Municipal sewage services are available. As discussed in section 9 of this report, the Hydrogeological Servicing Study demonstrates that sufficient water supply is available.
- ▶ The climate change policies, section 3.7.1. Subsequent site plan approval would provide an opportunity to consider and implement energy conservation techniques.
- ▶ The stormwater management policies, section 3.7.3.
- ▶ The growth and development strategy, section 4.1.2, with respect to the employment growth target.

- ▶ Lot size and shape requirements, section 4.6.
- ▶ The subdivision road access policies, section 4.7.3.
- ▶ The general land use compatibility policy, section 4.13.1, and the waste disposal site policies, section 4.13.3, for the reasons given under the parallel County Plan policies in section 10 of this report.
- ▶ The subdivision and condominium policies, section 4.15.1.
- ▶ The lakes and rivers policies, section 5.1.2. As described in section 3 of this report, the small drainage course crossing the property is intermittent only, and as well, the EIS characterizes parts of it as a drainage ditch. Section 1.7 defines waterbodies as per the zoning bylaw. The bylaw says that water bodies do not include, among other things, "a human-made drainage or irrigation channel [or] lands that are seasonally covered by water". That section also defines shorelands such that "drainage ditches and seasonal streams" are not rivers and therefore have no shorelands. Therefore, the drainage course is not a river and does not have shorelands, and so development around it is not subject to the 30 m setback from water.
- ▶ The endangered and threatened species habitat policies, section 5.3.4.2 - see discussion under the parallel PPS policy in section 9 of this report.
- ▶ The policies for County-identified, non-provincially-significant wetlands, section 5.3.4.3 - see discussion in section 10 of this report, under County Official Plan section 5.3.3.1.
- ▶ Policies requiring archaeological resource conservation, section 5.4.3 - see discussion under the parallel PPS policies in section 9 of this report.
- ▶ The employment areas policies, section 7.5. The design considerations in section 7.5.3 would be addressed at the site plan approval stage.

12 Zoning Bylaw Amendment

In my opinion the development proposal would comply with all applicable provisions of the comprehensive zoning bylaw, with one exception.

Section 3.2 of the bylaw does not allow development on a new lot that does not abut a public highway. Some of the proposed lots would not comply. As noted earlier, a bylaw amendment would be required to allow the lots to front onto the condominium road. Such an amendment would conform with section 4.7.3 of the Dysart et al Official Plan.

As also noted earlier, no zoning bylaw amendment application is being submitted at this time; it has been agreed that this is best addressed as a draft plan condition.

13 Subsequent Conditions of Approval

Many of the recommendations of the EIS, Hydrogeological Servicing Study, and Storm Water Management and Construction Mitigation Plan would be most appropriately implemented as conditions of subdivision approval and/or site plan approval. They are described generally here; see section 3 of the EIS, sections 5 through 7 of the Storm Water Plan, and section 4 of the Hydrogeological Servicing Study for more detail.

Site plan approval would be most appropriately applied to each individual lot as it is developed.

Drainage course improvement

- ▶ Redesign and reconstruct drainage course, to consist of a 1 m ditch with 4 m banks on either side.
- ▶ Require best construction practices, and limit work to June 1 to September 15.
- ▶ Naturalize the banks through planting and seeding using native species.

Construction management

- ▶ Limit tree removals to October 1 to April 30.
- ▶ Require best erosion and sediment control practices.

Stormwater management

- ▶ Require a treatment train approach.
- ▶ Provide detention facilities, oil/grit separator units, vegetation buffers, and enhanced swales in or abutting each lot.
- ▶ Require best erosion and sediment control practices.

Drinking water supply

- ▶ Require additional testing or permitting if specific uses require water supply beyond that currently anticipated.
- ▶ Require onsite storage to meet peak demand if specific uses so dictate.

14 Conclusion

In my opinion, the proposed subdivision plan and common elements condominium description would be consistent with the Provincial Policy Statement and conform with the applicable official plans. As well, they would be consistent with good planning principles and practice and would be in the public interest.

[original signed and stamped by]

Anthony Usher, RPP
August 2, 2023