

**Loyalist Township Staff Report
Report Back on Council Resolution
2019.17.20, Proposed Official Plan
Consent Policies
Regular Council Meeting**



Report Number: SR- 1223

Meeting:	Regular Council - 12 Nov 2019
Type:	Regular Council
Department:	Economic Growth and Community Development Services
Report Date:	November 4, 2019
Author:	Bohdan Wynnyckyj
Attachments:	Yes
Number of Attachments:	1

Executive Summary:

In our professional opinion it is not in the best financial or planning interest of the Township to introduce less restrictive consent policies. While some neighbouring municipalities such as Stone Mills and South Frontenac have more permissive consent policies, they are fundamentally different from Loyalist in that they do not have available land within settlement areas that contain full municipal sewage and water services. Finally, the Approval Authority for our Official Plan (the County) will not support a more permissive consent policy in Loyalist without a strong planning rationale (which for the reasons outlined below, staff are unable to provide).

Recommendation:

that the report from the Manager of Development Services, dated November 4/19, re: Report Back on Council Resolution 2019.17.20 - Proposed Official Plan Consent Policies, be received for information.

Background:

At their October 15/19 meeting, Council passed the following resolution:

Resolution 2019.17.20.

Moved by Councillor Porter and Seconded by Councillor Budarick that the August 29/19 report from the Manager of Development Services regarding public comments on the draft Official Plan be received, and that the following be adopted:

1. Council endorses the analysis and recommendations shown in the attached document titled "Summary of Public Comments" (column 3, "Staff Position") and that staff are instructed to prepare a final draft of the updated Official Plan and
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prior to holding a public meeting that staff bring a report back to Council that compares the rules for consent from other local municipalities within our Region.

This Report provides a summary of the applicable rural development and consent policies according to the draft Loyalist Township Official Plan and surrounding municipalities. The relevant policies as they appear in each municipal Official Plan is included as an attachment to this report.

Draft Loyalist Township Official Plan

Existing Official Plan policies permit development by consent in the Rural designation. Except for a minor modification (highlighted in the paragraph that follows), staff are recommending that the consent policies for the new Loyalist Township Official Plan remain unchanged.

The draft policies propose to retain the existing policy that indicates the number of new lots created by consent shall be restricted to two (2) per lot as it existed as of November 5, 2001 for the former Township of Amherst Island, January 27, 1986 for the former Township of Ernestown, and July 8, 1991 for the former Village of Bath. However, a new exemption is proposed to permit an additional severance where a parcel has a frontage of 1 km or more. An additional severance may also be permitted if the definition of infilling can be met. In terms of lot size, the retained parcel must contain 10 hectares with a minimum road frontage of 150 metres unless a minor variance has been granted. The purpose of this policy is to ensure the minimum lot size for non-agricultural uses can be maximized and that adequate land is available for the placement of a barn.

Stone Mills

Stone Mills' Official Plan underwent an Official Plan Review in 2018. Policies pertaining to growth speak to future residential development being promoted in the Hamlets and through infill on existing lots of record with limited new lot creation in the Rural Area. It is important to note that Stone Mills does not contain any urban settlement areas.

In terms of severances in the rural area, the minimum required lot area is 1 hectare (2.47), unless recommended by a qualified professional proven by technical studies. The amount of severances permitted off a lot of record as it existed on November 23, 1992 is three (3). This policy was carried over from their previous Official Plan and was not changed during the Official Plan Review as a result of a vacant land inventory that showed a sufficient number of lots available for lot creation. One additional lot is also permitted in the rural area to resolve a situation where two dwellings exist on one lot. Four (4) lots created by severance are permitted when lots result in an infill of existing development in the hamlet area designation.

South Frontenac

South Frontenac's Official Plan was approved in 2003 and the Township had just begun a Comprehensive Review of their Official Plan. The current Plan encourages the majority of permanent non-agricultural residential development to the Township's settlement areas with limited non-agricultural residential development permitted in the rural area.

The minimum lot size for a severance is a 0.8 hectares (2 acres) with 76 metres (250 feet) of frontage on a public road for non-waterfront lots and 1 hectare (2.5 acres) with 76 metres (250 feet) of frontage on a public road and 91 metres (300 feet) of water frontage on waterfront lots. A maximum of three rural residential severances may be permitted from a lot existing as of the date of the adoption of the Plan (2003).

Town of Greater Napanee

The Town of Greater Napanee underwent an Official Plan Review in 2014. The Plan speaks to development or growth being directed primarily to the settlement areas. The Plan's intent is to permit some development throughout the rural designation in a manner which retains the rural character and does not place demand on the Town for services that are difficult or expensive to provide.

The Official Plan permits a maximum of three (3) lots, which includes the retained parcel, to be created from a parcel of land as it existed on February 19, 2002. The number of consents are not limited in the hamlet settlement area, so long as a plan of subdivision is not deemed to be warranted.

Prince Edward County

Prince Edward County's current Official Plan was approved in 1998. An Official Plan Review was initiated in 2010 and is still underway. The Plan speaks to limited development, which is consistent with the vision statement, will be allowed in the rural designation.

With respect to the number of lots permitted by severance, a maximum of three (3), including the retained parcel, may be created off a land holding as it existed as of January 23, 1998. An exemption to the limit on the number of severances is provide when severing a large farm and rural holdings of generally 36 hectares or larger and when a landholding contains more than one detached dwelling at the time of plan adoption. A minimum lot area of 0.8 hectares is required.

It is important to note that the County's Draft Official Plan as part of their Official Plan review is not proposing to change the limit on the number of severances created on the eligibility date.

City of Kingston

The City of Kingston's Official Plan underwent a comprehensive review in 2017. The Plan speaks to focussing growth within the urban boundary and to focus growth within Rural lands to the City's hamlets.

Two (2) severances are permitted in the former Township of Pittsburgh off a single land holding that consists of less than 120 hectares on March 17, 1982. In the former Kingston Township, only two (2) severances shall be permitted from a landholding that existed as of November 6, 1997. A minimum lot area of 1 hectare is required.

The following table compares the number of severances permitted off a single landholding, and the eligibility date for ease of reference. Lot size requirements and any exemptions provided to the number of permitted severances have been outlined above.

	Loyalist Township	Stone Mills	South Frontenac	Napanee	Kingston	Prince Edward County
# severances permitted (excluding retained parcel)	2	3	3	2	2	2
Eligibility date	Amherst Island: November 5, 1991 Bath: July 8, 1991 Ernestown: January 27, 1986	November 23, 1992	2003	February 19, 2002	Pittsburgh: March 17, 1982 Kingston: November 6, 1997	January 23, 1988

Analysis:

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.” Provincial Policy Statement, Section 1.1.3.1

To conform with provincial policy and good planning principles, Loyalist (as well as most other municipalities in Ontario) have policies in place to direct the majority of new growth into settlement areas and proceed by plan of subdivision where community

planning (eg: establishing a well functioning transportation system, improved access to parks and open spaces) is best achieved, on full municipal services and with a minimal impact on the natural environment.

Development by consent is appropriate under the right circumstances – and our policies do allow for limited consent development. However the Township’s Official Plan contains policies designed to protect against the fragmentation of farmland and the proliferation of lots throughout the rural area (which could result in an over-extension of municipal services, such as road maintenance, school busing, garbage collection and the provision of recreational services).

Moreover, studies in 2001 and 2007 confirmed that the majority of the Township contains a highly vulnerable aquifer and sensitive groundwater recharge areas (Schedule K). Development on private services does tend to experience more water quantity and quality challenges.

Finally, it is important to highlight the following relevant facts / statistics. As of the writing of this staff report, Loyalist Township contains:

757 vacant existing lots of record (i.e., developable) in the rural area;
421 potential severable rural lots (as per existing Official Plan policies)

With an average of 10-12 Building Permits issued per year for rural areas of the Township, there is a 100+ years supply of housing under existing Official Plan policy. This is significant as it would undermine the ability of Planning staff to justify and defend a change in Official Plan consent policy at this time.

Link to Strategic Plan:

Manage Growth with Environmentally Sound Policies

Attachments:

[Attachment - Rural Consent policy review](#)

Approved By:

Marie-Josée Merritt, Director of Economic Growth and
Community Development Services
Steven Silver, Chief Administrative Officer

Status:

Approved - 04 Nov 2019
Approved - 04 Nov 2019

Rural Consent Policy Summary by Municipality

Loyalist Township – Draft Official Plan Review

5.5 RURAL POLICY AREA

5.5.1 General Principles

It is the intent of this Plan to permit some development throughout the Rural designation in a manner which retains the rural character of the Township while ensuring there are no demands placed on the Township for services which are expensive or difficult to provide.

5.5.2.4 Year Round Residential Development by Consent and Existing Lots of Record

- a) New lots shall comply with the Consent Policies in Part 6 of this Plan, as well as the preferred settlement patterns described in 5.6.
- c) New lots shall only be permitted when the retained parcel measures a minimum of 10 hectares and has a minimum road frontage of 150 continuous metres except where a minor variance has been granted by the Committee of Adjustment or, except where the consent application meets the definition of “Infilling” in Section 10.23 of this Plan.

10.22.30 "INFILLING" means the development of new residences to be located between two houses which are located on the same side of a public road and which are separated by a distance of not more than 100 metres.

6.3.5.2 Consent Policies

- c) The number of new lots created by consent shall be restricted to two (2) per lot as it existed as of November 5, 1991 for the former Township of Amherst Island, January 27, 1986 for the former Township of Ernestown, and July 8, 1991 for the former Village of Bath. Notwithstanding the foregoing, more than two (2) lots may be permitted in exceptional circumstances such as an urban setting where a road extension is not required, and servicing is already in place, or where infilling policies can be met, or where a parcel has a frontage of one kilometre or more, an additional severance may be permitted.

Stone Mills – Official Plan updated in 2018

2.2.1.6. The predominant means of lot creation has been through consent as opposed to the registered plan of subdivision process. Future residential development will be promoted by development of subdivisions and by intensification in the Hamlets where sustainable, by infill on existing lots of record or building lots in the Rural Area and by limited new lot creation in the Rural Area.

5.13.2 d. Lot Sizes

i. The minimum lot area for any development shall be one hectare (2.47 ac) with the exception of the following:

- a) The minimum lot area may be increased if recommended by a qualified professional, the Township, Quinte Conservation or the local health unit as a result of the completion of technical studies or other analyses required as part of a development proposal.
- b) The minimum lot area may be reduced to 0.5 ha (1.2 ac.) if recommended by a qualified professional as a result of the completion of technical studies required in support of a development proposal. Generally, reduced lot areas will only be supported when proposed as part of a comprehensive plan of subdivision/condominium.
- c) The Township will provide for the consolidation of smaller lots into larger holdings, particularly in the hamlets. The Township will target for a minimum lot area of 1 ha [2.47 ac.] wherever feasible through applications for site specific redevelopment (see also Section 4.3.3 (d), Section 5.13.2 (b), and Section 9.12). Measures may include deeming of subdivisions (see Section 7.3.1), lot additions, land acquisition through community improvement etc.).

Infill: means the creation of a lot or lots between two existing developed lots on the same side of the road not more than 220m [722 ft.] apart or which have the effect of rounding out an existing built up area.

7.5.1. Applications and Number of Lots that may be Created

- a. In the Rural Area and Industrial Area designations, a maximum of three (3) residential or non-residential lots (exclusive of the retained parcel) may be created from a lot of record. Lot creation for all severances shall be for a lot of record as it existed on November 23, 1992. New lot creation in the Agricultural designation shall comply with Section 4.4.2.3 of this Plan.
- b. In the Hamlet Area designation, a maximum of four (4) residential or non residential lots (exclusive of the retained parcel) may be created by consent provided that new lots are entirely situated within the Hamlet designation and the lots being created result in an infill of existing development.

- c. The creation of not more than one new lot shall result from any one severance application.
- d. Notwithstanding the limitations provided under subsection a) to the contrary, one additional lot may be permitted in the Rural Area to resolve a situation where two dwellings exist on one lot, each of which were lawfully established at the time of their construction, provided the new and retained lots front onto a publicly-maintained road, the proposal is in conformity with all other applicable requirements of this Plan, and the proposal complies with all applicable provisions of the zoning by-law.

The minimum lot area for new single lots in the Hamlet, Rural, Waterfront Development (consents or subdivisions) and Residential Estate Development shall be subject to Section 5.13.2 of this Plan for development on individual wells and private subsurface sewage disposal systems.

4.2.4. Rural Residential

- a. Residential development in the Rural Area shall be limited to single detached dwellings with a minimum lot area that complies with Section 5.13.2 of this Plan and may include an apartment-in-a-house in accordance with Section 16(3) and Section 35.1 of the Planning Act. New residential development in the Rural Area will be strongly encouraged to locate in areas of existing clusters, or as infill . Remote or scattered development will be discouraged. In the review of planning applications consideration will be given to the protection of renewable and nonrenewable resources, the availability of school bussing, fire response time, and the condition and maintenance of the access road.

South Frontenac – undergoing Official Plan review, Current Plan 2003

5.7.4 Rural Residential Policies (excluding Limited Service Residential)

It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township's Settlement Areas.

However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas, existing and proposed waste disposal, mineral extraction site and resource areas, natural heritage features and areas and natural hazards.

(i) Permitted Uses

Rural residential development including group homes established in accordance with the provisions of Section 6.5, home occupations and home industries may be permitted

in the form of single detached dwellings developed on lots created by plan of subdivision or severance by the Committee of Adjustment in accordance with the policies of this Plan.

(ii) Development Policies

- a) The frontage, size and shape of any lot for rural residential purposes created through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 0.8 hectares (2 acres) with 76 metres (250 ft.) of frontage on a public road for non-waterfront lots and 1 hectare (2.5 acres) with 76 metres (250 ft.) of frontage on a public road and 91 metres (300 ft.) of water frontage for waterfront lots. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.
- b) Rural residential development shall be serviced by private water and sanitary sewage disposal systems approved by the appropriate authority.
- c) New lots for rural residential purposes should be created by plan of subdivision in accordance with lot creation policies included in Section 7 of this Plan. However, a maximum of three rural residential severances may be permitted from a lot existing on the day of adoption of this Plan by Council in accordance with the lot creation policies of Section 7 of this Plan when the consent approval authority is satisfied that a plan of subdivision is not warranted. Any proposal which would create more than three new lots (three plus a retained) from a lot existing on the day of adoption of this Plan shall only be considered by plan of subdivision.
- d) All new rural residential lots shall have public road frontage

Town of Greater Napanee – Official Plan reviewed in 2014

4.4 RURAL POLICY AREA

4.4.1 General Principles

It is the intent of this Plan to permit some development throughout the Rural designation in a manner which retains the rural character of the Town while ensuring there are no demands placed on the Town for services which are expensive or difficult to provide.

4.5 SETTLEMENT PATTERNS

4.5.1 General Principles

The Hamlet Areas are characterized by predominately residential development based in individual services (wells and septic). Serving as rural service centres they are the

focus for limited additional growth in rural areas. Limited growth is to occur in the resort commercial, estate residential and shoreline residential designated areas.

5.4.5.1 Applications

- a) A maximum of three (3) lots (inclusive of the retained parcel) may be created from a parcel of land as it existed on February 19, 2002. Development in excess of three lots will be required to proceed by way of a plan of subdivision in accordance with Section 5.4.2 of this Plan.
- b) The creation of not more than one new lot shall result from any one severance application.

PART 5 - GENERAL DEVELOPMENT POLICIES

- c) No limit to the number of consents applies in a Hamlet settlement area provided, in the Town's opinion, a plan of subdivision is not deemed to be required for the orderly development of the parcel, bearing in mind the potential for orderly development of adjacent lands.

City of Kingston – Official Plan reviewed in 2017

Growth Focus

2.3.1.

The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.

Rural Lands

Policies: Function 3.12.1. The City recognizes the role of Rural Lands in contributing to agricultural production, forestry and mineral resources, natural areas and wildlife habitat, providing opportunities recreation, and supporting the appreciation of natural areas that provide a contrast and respite from urban life. To protect land suitable for agricultural production from scattered development and land uses which are unrelated to agriculture. To focus growth and development in the identified Hamlets of Elginburg, Brewer's Mills, Kingston Mills, Joyceville, Glenburnie, and Sunnyside and to promote their vitality and regeneration.

Severances for Non-farm Residential Use

3.12.9.

Lots designated Rural Lands may be severed for non-farm residential uses, subject to the policies of Sections 9.6.10 through 9.6.18 of this Plan and the following policies:

- a. For consents proposed within the former Township of Pittsburgh, only two severances shall be permitted from a landholding that consisted of less than 120 hectares on March 17, 1982;
- b. For consents proposed within the former Township of Kingston, only two severances shall be permitted from a landholding that existed as of November 6, 1997; and
- c. The minimum lot area is 1.0 hectare.

Direction for Growth by Consent

9.6.12.

New residential development created by consent is encouraged to locate in areas designated for growth such as lands within the Urban Boundary, the Hamlets, and Rural Areas where infill residential development is permitted. In order to fully assess an application for consent (or land severance), the Committee of Adjustment or approval authority may require the submission of additional information and studies as detailed in Section 9.12 of this Plan.

9.6.13

- f. minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;
- g. infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of this Plan and requirements of the zoning by-law;

Prince Edward County 1998 Official Plan – currently undergoing Official Plan Review

6.0 RURAL

6.1 Rationale/Strategy for Development

6.1.1 The County contains rural areas where agricultural activities remain active but dispersed, where soils are predominately shallow and where nonagricultural development has taken place over time. The blocks of land designated Rural consist primarily of soil classes 5, 6 and 7 and some of the class 4 soils as defined in Canada Land Inventory of soil capability for agriculture.

6.1.2 It is the intent of the Plan to maintain the natural and scenic qualities of the Rural designation and to preserve its rural character and lifestyle and significant open lands.

Limited development, which is consistent with the Vision Statement, will be allowed in the Rural designation.

1.3 Consents

1.3.1 General Strategies

- a) consents shall only be granted when it is clearly not necessary in the public interest that a Plan of Subdivision be registered
- b) in order to avoid creating a subdivision by the consent process, the County will not allow a land holding to be fragmented over time. In this respect, except as may be permitted by Part V, Section 1.1.3, a maximum of three lots (including the retained lot) may be created by consent from any land holding. A land holding is defined as any property as it existed as of January 23, 1998, the day the Ministry approved the Official Plan;
- c) notwithstanding Part V, Section 1.3.1 b) of this Plan to the contrary, consents for the purpose of severing large farm and rural holdings of generally 36 hectares or larger, both severed and retained, shall not be subject to any limitation on the number of consents permitted;
- d) where a land holding contained more than one detached dwelling at the time of adoption of this Plan, the severance of a parcel of land including the additional dwelling may be permitted subject to all other policies of this Plan;
- e) the size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created as a result of a consent shall be less than that prescribed in the respective land use designations in Part IV of this Plan, except for parcels created as lot additions or for technical reasons;

RURAL

6.4.2 Residential

- a) residential development by Plan of Subdivision is not permitted in the Rural designation.
- b) residential development by infilling as defined in this Plan, shall be permitted between two houses separated by not more than 100 metres;
- c) severances for single detached units shall have a minimum lot area of approximately .8 hectares;