

3248 PAPINEAU LAKE ROAD CONSENT + ZONING BY-LAW AMENDMENT

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December 17, 2021

Mr. Justin Harrow

Director of Planning & Land Development
Planning & Land Development- Hastings County
235 Pinnacle St
Belleville ON
K8N 3B1

Ms. Cathy Bujas

Building/Planning Clerk
Building/Planning- Hastings Highlands
P.O. Box 130
Maynooth, ON
K0L 2S0

Via Email: harrowj@hastingscounty.ca; cbujas@hastingshighlands.ca

**RE: 3240 and 3248 Papineau Lake Road
Part of Lot 3, Concession 8 and Part of Shore Road Allowance in Front of Lot 3, Concession 8
(Closed by QR578637), Geographic Township of Bangor, Municipality of Hastings Highlands,
County of Hastings
Applications for Consent to Sever + Zoning By-law Amendments**

Dear Mr. Partridge,

Fotenn Planning + Design has been retained by Papineau Lake Investments Limited to prepare a planning justification letter for applications for consent to sever and zoning bylaw amendment. This report provides support for these applications, the purpose of which is to re-establish the original lot fabric of the parcel, allowing each existing dwelling (No. 3240 and 3248) to be contained on separate lots. The proposed consent will result in a total of two lots (one severed + one retained). The property is currently developed with two single-detached dwellings, each with a separate septic system. The consent will restore the original lot fabric of what was previously two parcels which merged on title. An application for re-zoning is required to recognize the built form on the retained and severed lots. The subject property is designated Rural/ Waterfront on Schedule A-North Hastings County Official Plan and zoned Waterfront Residential (WR) Zone in the Hastings Highlands Zoning By-law 2004-035.

A pre-application report was issued by Hastings County staff dated December 4, 2020 and follow-up correspondence with City Planning Staff identified the application requirements. Accordingly, the following are submitted in support of the application:

- / Site Plan prepared by Paradigm Architecture, dated November 3, 2021;
- / Reference Plan 21-10408 prepared by P.A Miller Ontario Surveying, dated June 22, 2021
- / Environmental Impact Study prepared by Ainley Group, dated November 2021
- / Septic Confirmation Memo prepared by John Thompson, dated August 24 2021
- / Application form for Consent
- / Application form for Zoning Bylaw Amendment; and
- / This planning letter.

Site Description + Surrounding Context

The property is located in the township of Combermere within Hastings Highlands on Papineau Lake Road, with waterfrontage on Papineau Lake. The property is on the eastern side of the lake, and Papineau Lake Road is a municipal road. Papineau Lake is south of Bell's Bay Provincial Park and west of the Combermere city centre. The site has an area of approximately 0.98 hectares with approximately 99.06 metres of waterfrontage on Papineau Lake. The property is currently developed with two one-storey, single-detached dwellings, accessory shed structures, and two septic systems. Vehicular access is provided to each dwelling by separate gravel driveways accessed from Papineau Lake Road.

The surrounding area is primarily characterized by waterfront residential uses, with some marginal agricultural uses and environmental protection areas. The surrounding built form is primarily characterized by single-detached dwellings, most of which are within 30 meters of the water's edge.



Figure 1: Neighbourhood Context (Source: Google Earth)



The following uses are immediately adjacent to the subject site:

- / **North:** Waterfront Residential (single-detached dwelling)
- / **East:** Marginal Agriculture (heavily treed)
- / **South:** Waterfront Residential (single-detached dwelling)
- / **West:** Papineau Lake

Overview of Applications

Consent to Sever

The site is designated Rural/ Waterfront on Schedule A-North of the Hastings County Official Plan and zoned Waterfront Residential (WR) Zone in the Hastings Highlands Zoning By-law 2004-035. The WR Zone requires a minimum lot area of 4000 square metres and a minimum road and water frontage of 46 metres each. It is proposed to sever the property to restore the original lot fabric of the 2 parcels and their existing dwellings. The severance will create one severed and one retained lot, as shown in Figure 3 below. The retained parcel is proposed to have a lot area of approximately 6160 square metres and approximately 64 metres of waterfrontage on Papineau Lake with 61 metres of road frontage on Papineau Lake Road. The severed parcel is proposed to have a lot area of approximately 3641 square metres, approximately 37.5 metres of water frontage on Papineau Lake, and 35.6 metres of road frontage on Papineau Lake Road. It was intended to use the consent as an opportunity to evenly divide the parcels however, the positioning of the existing dwellings and septic systems and their accompanying setbacks did not allow for a change in the delineation of the original lot lines. Each dwelling is long-established and is serviced by existing private septic systems, their own driveway accessed via Papineau Lake Road, and their own municipal numbers of 3240 and 3248. There are existing accessory structures on each proposed lot. The original lot fabric supports complying side yard setbacks within the existing built form, and rectangular shaped lots with similar road and water frontage.

Zoning Bylaw Amendment

The proposed severed lot will require relief from the lot area and frontage of the WR Zone as it is undersized. The existing dwellings on both the retained and severed lots do not meet the necessary shoreline setbacks. The existing dwelling on the retained Lot will be re-constructed. The building footprint will be made slightly larger, but moved slightly further back from the water. The existing shoreline setback will not be reduced as a result of the re-construction. The Zoning Bylaw amendment will recognise the existing built form of the site.

Supporting Studies

Environmental Impact Study

An Environmental Impact Study was prepared by Ainley Group in October 2021. The report explains that while Papineau Lake is a cold-water lake, it is not at capacity for responsible development. Impacts of the proposed development to species at risk, and vegetation are anticipated to be minimal. Ainley has concluded that potential risks associated with erosion and sediment control, as well as surface water contamination and debris accumulation are important to recognize. To minimize the potential for impacts associated with erosion, sedimentation, and the deposition of other deleterious materials, mitigation measures during construction and post-development as it relates to replacing the cottage on the retained lot in roughly the same location, should be followed. The mitigation measures can be found listed in detail in the report. Prior to demolition and construction of the new dwelling, an erosion and sediment control plan should be prepared detailing measures to be installed, and plans to control water on the construction site. If species at risk are identified during construction, all works in the immediate area should cease and the MECP must be contacted for direction on how to proceed. Provided Ainley's recommendations are followed, the proposed severance and dwelling re-construction will not result in significant impacts to natural heritage features in the study area.



Figure 3: Concept Plan (Source: Paradigm)

Policy + Regulatory Review
Planning Act

In considering an application for land severance, the approving body must evaluate the merits of the proposal against Section 53 of the *Planning Act*, which further requires a review of Section 51 (24) of the *Planning Act*. The criteria relating to the proposed severances are below in *italics*.

53 (1) An owner of land or the owner’s agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give

a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

The proposed application for consent seeks to re-establish the previously existing lot fabric which is already developed with separate dwellings and septic systems. It is our opinion that a plan of subdivision is not necessary for the proper and orderly development of the proposed severance.

53 (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

Detailed criteria from section 51(24) is provided below.

51 (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality to

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consent has proper regard for matters of provincial interest found in Section 2 in that it will not negatively impact natural or cultural heritage resources and it will represent orderly development of a site serviced by existing septic systems, driveways and roadway. The proposed consent will undo the merging on title of the lots that occurred previously, will provide a site layout that is cohesive with the neighbourhood, and will not create challenges in terms of public health and safety.

b) whether the proposed subdivision is premature or in the public interest;

The proposed consent is not premature as it efficiently utilizes available infrastructure and public service facilities, and is in the public interest as it previously existed as two lots.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Conformity with the Official Plan is discussed below. The proposal conforms to the Official Plan.

d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed consent will legally separate two existing dwellings, resulting in the creation of one additional lot, but no additional dwellings in a neighbourhood predominated by residential dwellings.

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The site has frontage on Papineau Lake Road, an existing municipal road. Each proposed lot is accessible from an existing private driveway off of Papineau Lake Road.

f) the dimensions and shapes of the proposed lots;

The severed and retained parcels were existing parcels that were merged on title. An application for re-zoning is required to obtain relief from the minimum lot size provisions of the WR zone. The severed and retained lots will be rectangular in shape, and are compatible with the size and shape of lots in the surrounding area.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

All buildings and structures on the severed and retained parcels will be subject to the performance standards of the Waterfront Residential (WR) Zone. There are no known restrictions on adjoining lands.

h) conservation of natural resources and flood control;

An environmental impact study has been completed and resulting recommendations will be followed.

i) the adequacy of utilities and municipal services;

Each dwelling on the site is serviced by an existing, private septic and water system.

j) the adequacy of school sites;

The proposed severed lot is within an established rural neighbourhood and no new dwellings are proposed. The re-establishment of separate lots is not anticipated to have an impact on the capacity of local schools.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No conveyances are anticipated unless a road widening is necessary, however sufficient land exists if required.

l) the extent to which the plan's design optimizes the available supply, means of supply, efficient use and conservation of energy; and,

The proposed consent will separate two existing dwellings. This will not affect the efficient use of land and existing municipal services.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designed under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).

The proposed development is not subject to the Hastings County Site Plan Control By-law.

The proposed consent has proper regard for the criteria found in section 51 (24) of the Planning Act.

Provincial Policy Statement 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of Provincial Interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. The proposed development includes a consent for severance to re-establish the original lot fabric of the subject lot, allowing the dwelling addressed as 3240 and 3248 Papineau Lake Road to be on separate parcels. A Zoning By-law amendment will recognize the existing built form on the lands. In relation to the proposed development, the 2020 PPS includes the following considerations:

Section 1.1.1 Healthy, livable 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;

The proposed development will re-establish the original lot fabric on the site, and separate two existing dwellings, septic systems, and driveways.

c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;

The proposed development will recognize the original lot fabric of the subject site. The site is not on any natural or human-made hazard lands. The severed and retained parcels each contain an existing dwelling, septic system, and driveway. Zoning provisions will regulate the existing and proposed development on the site.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

The proposed development will use existing infrastructure and not require the expansion of municipal services making it a cost-effective development pattern and minimize land consumption.

- h) *promoting development and land use patterns that conserve biodiversity;*

The proposed development will not have a significant impact on biodiversity as the consent will formally re-establish the lot lines on a lot with separate existing dwellings, septic systems, and driveways. There will still only be two dwellings on the site and they will not be approaching the water any more than they are already.

Section 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) *building upon rural character, and leveraging rural amenities and assets;*

The proposed development will include the re-construction of the existing dwelling on the retained parcel. The re-construction will maintain the rural character of the area and not affect the skyline or tree canopy.

- b) *promoting regeneration, including the redevelopment of brownfield sites;*

The proposed development will include the re-construction of the existing dwelling on the retained parcel. The existing septic system will be upgraded if deemed necessary.

- c) *accommodating an appropriate range and mix of housing in rural settlement areas;*

There are currently two existing single-detached dwellings on the subject lands. The dwelling on the retained lot is proposed to be re-constructed. Single-detached dwellings are appropriate housing forms in rural settlement areas.

- d) *encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*

The proposed development will separate the two existing dwellings. The dwelling on the retained lot will be re-constructed and the septic system will be upgraded if deemed necessary.

- e) *using rural infrastructure and public service facilities efficiently;*

The subject lands are accessed by Papineau Lake Road which is a municipal road. The existing dwellings on the lands are serviced by existing driveways and private, individual sewage disposal systems.

- f) *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*

- g) *providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*

- h) *conserving biodiversity and considering the ecological benefits provided by nature; and*

The proposed re-construction on the retained lot will not cause further encroachment into the shoreline setback, and will be moved back from Papineau Lake slightly. An Environmental Impact Assessment was prepared by Ainley Group (November 2021) which concluded that provided their recommendations are followed, Ainley Group is of the opinion that the proposed development will not result in significant impacts to natural heritage features in the study area.

Section 1.1.4.3 When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

The proposed development will re-establish the original lot fabric of the subject lands allowing for each existing dwelling to be on a separate lot. The existing dwelling on the severed parcel will be maintained along with its supporting infrastructure. The dwelling on the retained lot will be re-constructed with a slightly larger footprint, but

it's positioning will be moved back from the waterfront slightly. The scale of the dwellings will be cohesive with the neighbourhood.

Section 1.1.5.2 on rural lands located in municipalities, permitted uses are: c) residential development, including lot creation, that is locally appropriate.

The proposal is locally appropriate as it will not result in changes in the intensification of density, or additional infrastructure. The positioning of the dwellings in relation to the waterfront mimic that of the neighbouring lots. The proposal will result in very little change in the environment and remain locally appropriate.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

There is an existing dwelling on both the proposed retained and severed lot. These dwellings are currently serviced by existing private septic systems.

Section 1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The development is accessible from two separate entrances on Papineau Lake Road, and serviced by existing private sewage and water systems. There will be no uneconomical expansion of infrastructure.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

An Environmental Impact Assessment was prepared by Ainley Group (November 2021) which concluded that provided their recommendations are followed, they are of the opinion that the proposed development will not result in significant impacts to natural heritage features in the study area. Impacts to species at risk are anticipated to be minimal.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved, or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

The proposed development will not result in a reduction in the existing shoreline setback from Papineau Lake. An Environmental Impact Assessment was prepared by Ainley Group (November 2021). The report provides mitigation measures to be followed during each phase of the re-construction of the dwelling on the retained lot. Ainley concluded that provided their recommendations are followed, they are of the opinion that the proposed development will not result in significant impacts to natural heritage features in the study area.

This proposal is consistent with the 2020 Provincial Policy Statement in that it is located within the settlement area, will contribute to the range and mix of housing without incurring adverse effects, and will not require any unwarranted expansion of municipal servicing.

Official Plan

The Hasting's County Official Plan describes goals, policies and objectives intended to guide the County's development over the planning horizon identified in the plan. The Official Plan was approved by the Ministry of Municipal Affairs August 3, 2018. The subject lot is designated as Rural/Waterfront on Land Use Designations Schedule-A-North of the Hastings County Official Plan.

The following sections of the OP are reviewed in relation to the proposed consent:

- / Section 3: Infrastructure & Public Service Facilities;

- / Section 4: Sustainable Natural Environment & Resources
- / Section 5: Emerging Rural Economy;
- / Section 6: Lot/Unit Creation
- / Section 7: Implementation

Section 3: Land Use Designations and Policy

Section 3 of the Official Plan establishes the goals and objectives for infrastructure and public service facilities in the County of Hastings. Overall the proposed development will not lead to the uneconomical expansion of infrastructure, and will optimize the existing, individual, private infrastructure on the lot. The existing systems are in conditions suitable for the long-term provision of necessary services with no negative impacts.

Section 3.4.2 Prior to granting approval to create new lots or new development on private services, the County and/or Member Municipality shall be satisfied that:

- a) An adequate on-site supply of potable groundwater exists;*
- b) Soils, terrain and lot sizes are adequate for the required sewage disposal system and replacement system; and,*
- c) Undue negative interference on or from existing neighbouring wells and lands uses will be avoided.*

There are two existing dwellings on the subject site. Each dwelling has a private, individual septic system. The lake or well intake could supply potable water intake. No new servicing will be required to support the proposed development.

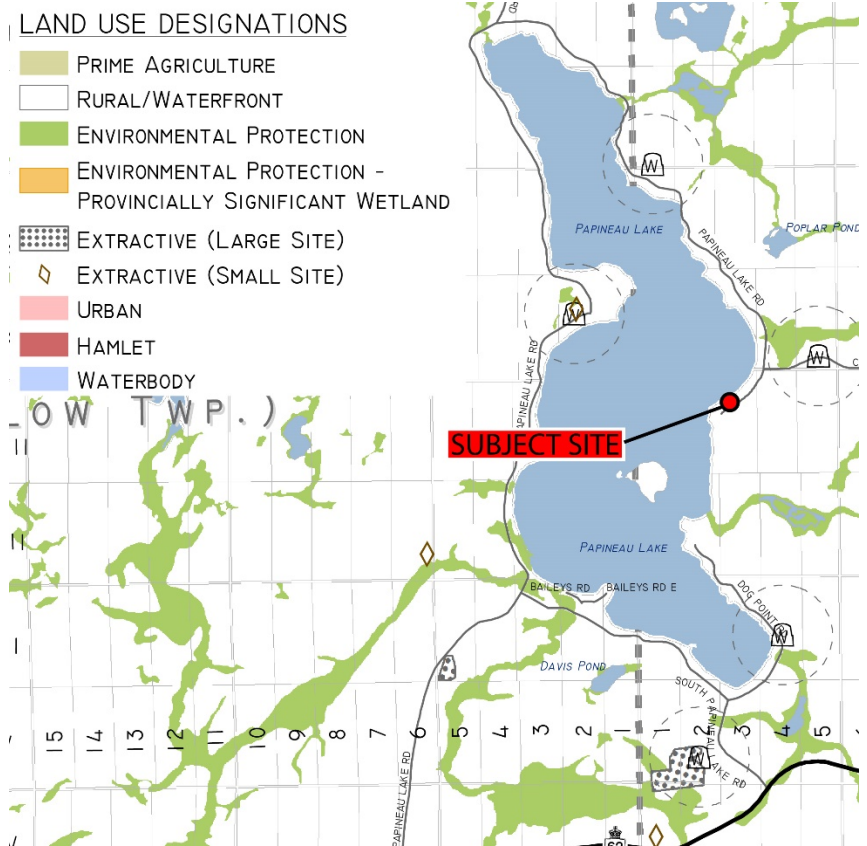


Figure 4: Hastings County Official Plan Schedule A-North Land Use (Source: Hastings County)

Section 4: Sustainable Natural Environment & Resources

Section 4 of the Official Plan establishes the goals and objectives that recognize the importance of natural heritage systems, wetlands, fisheries, wildlife, and woodlands. The intentions of these policies are to provide a lasting healthy ecosystem for a healthy community and economy.

Section 3: Infrastructure & Public Service Facilities

Section 3 of the Official Plan outlines policies that encourage and facilitate efficient development patterns that optimize the use of land, resources, and public investment in infrastructure and public service facilities, and avoid the undue extension of infrastructure and services. The proposed development is located on an existing municipal road, and serviced by existing, private sewage disposal systems. There will be no extension of services proposed.

Section 4: Sustainable Natural Environment and Resources

Section 4 recognizes that Hastings County enjoys a diverse array of natural heritage features and areas and these features shall be valued and protected for the benefit of future generations and to sustain related social, cultural and economic systems. The subject site is adjacent to Papineau Lake which is a cold-water lake trout lake which is not at capacity.

Section 4.2.3.12 A larger minimum lot area of 0.8 ha (2 ac) rather than the traditional 0.4 ha (1 ac) minimum for new lots in the Rural and Waterfront designation pursuant to Section 5.5.3 shall be required in an effort to prevent future instances of septic-well interference and to allow for alternative locations for a replacement septic system.

The proposed development will re-instate the original lot fabric on the subject site prior to the lots being merged on title. The retained lot will comply with the traditional sizing of a 0.4 ha minimum lot area. The severed lot is sized at 0.36 ha. The proposed lot fabric mimics the surrounding neighbourhood. Each proposed lot has an existing septic system. The septic system on the retained lot will be inspected as part of the building permit process during the reconstruction of the existing dwelling.

Section 4.2.3.13 In co-operation with provincial and local conservation authorities, Member Municipalities may wish to implement a program of septic inspection and replacement of older systems, in particular those located on relatively small lots adjacent to water bodies, including cold water lakes and source water protection areas. Septic inspections are required under the Ontario Building Code for systems that have been identified as significant drinking water threats in an approved assessment report under the Clean Water Act.

An inspection of the existing septic system will be completed as part of the building permit process during the reconstruction of the existing dwelling on the retained lot. Sufficient land remains should one of the systems need to be replaced.

Section 4.2.3.14 Where possible, development will generally be encouraged to minimize the percentage of impervious area and promote on-site infiltration; doing so should reduce the impact of the system on the surrounding groundwater regime. Member Municipalities may also wish to implement tree-cutting and/or site alteration bylaws in an effort to reduce erosion and retain rainwater within the ground aquifers (recharge) as much as possible.

An Environmental Impact Study was prepared by Ainley Group which concludes that as long as the detailed mitigation measures are followed, the proposed development will have a minimal affect on vegetation, and the surrounding environment. Mitigation measures outline erosion and sediment control prior to demolition, during construction, and post development.

Section 4.2.4.3 New development and/or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. New development and/or site alteration shall not be permitted on adjacent lands within 120 metres of fish habitat unless it has been determined in an approved

Environmental Impact Statement (EIS) pursuant to Part A - Section 7.8.6 of this Plan that there will be no negative impacts on the natural features or its ecological functions.

An Environmental Impact Study (EIS) was prepared by Ainley Group in October 2021. The EIS concluded that with proper mitigation measures, the impacts on species at risk are anticipated to be minimal as a result of the proposed development. The number of structures on the property will not increase. The proximity of the structures to the waterfront will not increase. The septic systems servicing the dwellings are existing.

Section 4.2.4.4 A minimum 30 metre setback along watercourses to protect fish habitat shall be required to remain undisturbed and naturally vegetated.

The existing dwellings are within the 30-metre setback. The proposed development will not bring the dwellings any closer to the lake. An EIS prepared by Ainley Group in October 2021 has concluded that with proper mitigation measures, the impacts on species at risk are anticipated to be minimal as a result of the proposed development.

Section 4.2.5.3 Those waterbodies identified with the symbol 'LTL-C' on the Natural Heritage Features and Areas Schedule OP-B delineate Lakes Managed for Lake Trout as considered by the MNR and MOECC to be critical habitat for the maintenance of a healthy lake trout fishery; such lakes may have development capacity. The waterbodies with development capacity at this time are L'Amable Lake, Papineau Lake, Dickey Lake, Holland Lake, Mephisto Lake, and Kamaniskeg Lake South of Ski Island. Lakes may be added or removed from this section without the need for an Amendment to this Plan, provided they have been appropriately identified by the MNR, MOECC.

The proposed development is adjacent to Papineau Lake which has been deemed as having development capacity by the MECP.

Section 4.2.5.7 states that new planning approvals will not be granted for new development within 300 metres of lake trout lakes. However Section 4.2.5.8 outlines instances when development would be possible:

Section 4.2.5.8 Notwithstanding Part A - Section 4.2.5.7 above, the following exceptions for new development may be made for development which would not result in decreased water quality:

d) To separate existing habitable dwellings, each having a separate septic system, provided that the land use would not change.

There are two existing, habitable dwellings on the subject site each serviced by an existing, private, individual sewage disposal system. The land use designation is proposed to remain as Rural/Waterfront, and the proposed zoning bylaw amendment will recognise the existing built form of the site.

Section 5: Emerging Rural Economy

Section 5 of the Official Plan establishes the goals and objectives facilitating an emerging rural economy in the County of Hastings.

Section 5.1.2 a) Permit limited residential development, including the second home market, and tourist accommodations in the County's rural areas and along its many lakes and waterfront areas, that is:

i. Compatible with the rural landscape;

ii. Appropriately serviced by rural service levels for water, sanitary sewer service, stormwater drainage and road access; and,

iii. Sustainable and does not impact negatively on the natural heritage features and areas of the County planned for in Part IV of this Plan.

There are currently two dwellings on the subject site, the proposed consent and rezoning will be to recognize the previous lot fabric and formalize the existing built form. Both dwellings are serviced by private septic systems. The dwellings are compatible with the rural landscape and an EIS has concluded that the development will not impact species at risk.

Section 5.4 outlines the policies specific to the Rural and Waterfront land use designation. The proposed development is permitted as a low-density residential use. Access to the dwellings is existing via Papineau Lake Road which is a municipal road as per Hastings County OP Schedule-A North Land Use Designations. The development is serviced by existing, private water and septic systems. Construction mitigation for erosion and sediment control will be provided on the site as per the recommendations of the EIS. The proposed lot lines will follow the historic lot lines that existed before the properties merged on title and will respect the traditional features of the landscape. There is not an opportunity to change the lot line delineation to allow for a larger severed lot due to the existing built form. The shoreline, and existing vegetative buffers will be retained as the development is not encroaching further into the shoreline setback. The severed lot will retain its existing dwelling, while the reconstruction of the dwelling on the retained Lot will maintain a low structural profile and will not create a new skyline or ridgeline above the existing tree canopy. Other than the reconstruction of the dwelling on the retained lot, no new structures are proposed, leaving the remainder of the property generally in its existing state.

Section 5.5.3.7 Wherever possible, existing, undersized waterfront lots may be merged to create larger parcels, thus helping reduce the overall amount of development on the lake. Development of existing undersized lots may be permitted where its suitability for development has been demonstrated to the satisfaction of the Member Municipality and appropriate agencies/public bodies and the intent and policies of this Plan are maintained. Where a zoning by-law amendment or minor variance application is required to permit development on an existing undersized lot, a site evaluation report as per Part A - Section 7.8.8 of this Plan may be required by the Member Municipality.

The proposed development will re-establish the original lot fabric on the subject lot and allow for the separation of two existing dwellings which have existing civic addresses of 3240 and 3248 Papineau Lake Road. A zoning by-law amendment has been submitted as part of the proposed development and an Environmental Impact Study has been conducted by Ainley Group.

Section 6: Lot/Unit Creation

Section 6 of the Official Plan establishes the goals and objectives facilitating lot creation where appropriate service levels can support the development and land use conflicts are minimized.

Section 6.3 outlines general policies applicable to all land use designations regarding consents.

Section 6.3.1.2 New lots for any permitted use within the applicable land use designation may be created by consent provided:

- a) A plan of subdivision or plan of condominium is not required for the proper and orderly development of the land;*
- b) The intent and purpose of the Provincial Policy Statement, Official Plan and/or Secondary Plan and comprehensive zoning by-law are maintained;*
- c) No extension of municipal services is required; and,*
- d) The lots can be serviced with an appropriate water supply and sewage disposal system.*

The proposed development will result in the separation of two existing dwellings and would not support further land division. A plan of subdivision is not required for the orderly development of the land. The proposed development will not result in an expansion of infrastructure or a change in the neighbourhood fabric, or further encroachment towards the shoreline. The intent and purpose of the Provincial Policy Statement, Official Plan, and the zoning by-law are maintained.

Section 6.3.1.9 The size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created by consent should be less than that prescribed in the respective land use

designations of this Plan, except for parcels created as lot additions, for technical reasons or as the result of expropriation by a public body or as required by a public body.

The lots created will follow the lot fabric that was originally in place before the lots were merged on title. This fabric re-instates the lot fabric of the existing built form. Both lots are undersized for the Rural/Waterfront designation, which is common within the immediate neighbourhood.

Section 6.3.1.10 Only consents that provide for a satisfactory geometric design for the existing and proposed uses for the severed and retained parcels should be granted. The creation of parcels that are long and narrow or that have a small amount of frontage resulting in development occurring behind or in front of existing dwellings and uses should be avoided

The proposed development will result in lots that are rectangular in nature with front and rear lot lines that are of a similar size.

Section 6.3.1.19 A consent application to recreate two parcels of land that have inadvertently merged either prior to or after the passing of this Plan, may be considered provided that it generally meets the intent and policies of the Plan. The consent will not be considered toward determining the number of consents permitted for a holding pursuant to Part A - Section 6.3.1.4.

The proposed development meets the intent and policies of the Plan. The proposed development will utilize existing infrastructure, will not encroach on existing shoreline setbacks, is accessible from a municipal road, and is compatible with the existing neighbourhood.

Section 6.3.2.1 New building lots shall front onto and gain direct access from an existing public road that reflects a reasonable standard of pavement or gravel construction and is maintained year-round by the Member Municipality or province. New building lots will not be permitted where their access is proposed from an unopened or seasonally maintained municipal road allowance or from an existing or new private right-of-way or by water access, save and except for:

- a) New building lots on an existing, extended or new private right-of-way in the Waterfront area, in accordance with Part A - Section 5.4.3.7 and other policies of this Plan, may be permitted and placed in an appropriate limited service residential zone; and,*

The Severed and retained lots both have frontage on Papineau Lake Road which is a municipal road that is maintained year-round.

Section 6.3.3.1 Limited rural residential development, and resource-based recreational uses (including recreational dwellings) may be permitted in accordance with Part A – Section 5.5 of this Plan.

The development proposed will maintain the existing residential use of the land. The existing single-detached dwelling on the retained Lot is proposed to be re-constructed.

6.3.3.3 Within the “waterfront” areas of the Rural and Waterfront designation, a consent application may be granted in accordance with the policies of this Plan, provided the following criteria are met:

- a) The proposed severed lot can be easily serviced with an individual well or alternative potable water supply in accordance with Ministry of the Environment and Climate Change (MOECC) guidelines and a private sewage disposal system that shall have no adverse impact on the water quality of any adjacent water body;*

Each dwelling on the property is serviced by an existing private water and sewage disposal system.

- b) Each proposed lot (severed and retained) has sufficient area outside any floodplain, environmentally sensitive area, wetland or steep slope area to accommodate a building, sewage disposal system and accessory uses; and,*

The existing sewage disposal system, and building on the severed lot will be maintained. The existing dwelling on the retained Lot is proposed to be re-constructed. The dwelling will not encroach further towards the shoreline.

c) The consent will not result in development that could adversely affect important wildlife habitats, fish habitat areas, wetlands or other similar features. The Ministry of Natural Resources and Forestry (MNR) or County peer review agent or the Conservation Authority, as the case may be, shall be consulted.

The Environmental Impact Study prepared by Ainley (October 2021) concludes that no vegetation is likely to change as a result of the development and no species at risk will be impacted provided proper mitigation measures are followed during construction. The Ministry of the Environment, Conservation and Parks has confirmed that Papineau Lake is not at capacity for responsible development.

Section 6.3.3.4 A consent shall not be approved in Waterfront areas where the terrain constraints require dwellings, sewage disposal systems, driveways or significant vegetation alteration within 30 metres of the high water mark of any water body, depending upon factors such as slope, soil depth and soil type.

The structures within the 30-metre setback from the high-water mark are existing structures. The proposed development will not reduce the existing setback from the high-water mark and will not require any alteration of driveways or vegetation.

Section 7: Implementation

Section 7 of this plan establishes the goals and objectives for the implementation of the Official Plan within Hastings County. The official plan is meant to enable informed wise planning decisions that are current and relevant. Land use planning decisions should conform with this plan. The proposed development aligns with the Hastings County Official Plan and will retain the existing Land Use designation of Rural/Waterfront.

The proposed severance is suitable to the area context, conforms to the Hastings County Official Plan, and is appropriate for the site and surrounding context.

Zoning Bylaw Amendment

A zoning bylaw amendment is required to account for the existing built form. The site is zoned WR in the Hastings Highlands Zoning By-law 2004-035. While the proposed lot area, and frontage of the severed lot does not comply with WR Zone provisions. The positioning of the existing dwellings are within the shoreline setback on both the retained and severed lot. The existing residential uses on the proposed lots are permitted in this zone. The following table outlines the necessary relief required to permit the proposed development.

Provision	Requirement	Retained Lot	Severed Lot	Variance Required?
Waterfront Residential (WR) Zone – Section 10				
Permitted uses	i. A single detached dwelling (may have a garden suite)	One-family dwelling (existing)	One-family dwelling (existing)	No
	ii. A seasonal dwelling (including one sleeping cabin), def 3.31 29.7 sq m (320 sq ft)			
	iii. An accessory building or use			
	iv. A Type ‘A’ and Type ‘B’ home occupation, in accordance with			

Provision	Requirement	Retained Lot	Severed Lot	Variance Required?
	v. the provisions of Section 5.29 of this By-law, A Type 'A' home industry, in accordance with the provisions of Section 5.30 of this By-law.			
Lot Area (min)	4000 m ²	6159 m ²	3641 m ²	Yes
Road Frontage (min)	46 m (150 ft)	61 m	35.6 m	Yes
Water Frontage (min)	46 m (150 ft)	61.6 m	37.5 m	Yes
Front Yard (min)	20 m	78.4 m	84.3 m	No
Rear Yard (min)	30 m	9.7 m	8.8 m	Yes
Interior Side Yard (min)	3 m	East: 4.4 m West: 32.7 m	East: 9.1 m West: 12.2 m	No
Exterior Side Yard (min)	20 m	N/A	N/A	No
Gross Floor Area (min)	74.3 m ² (800 ft ²)	159.4 m ²	88.6 m ²	No
Lot Coverage (max)	30%	<30%	<30%	No
Building Height (max)	11 m (36.1 ft)	11 m	11 m	No
Vegetative Buffer Adjacent to the Shoreline	A natural vegetative buffer strip 15 m in width shall be maintained.	<15m existing. Will remain existing.	<15m existing. Will remain existing.	Yes
General Provisions – Section 5				
Lands Adjacent to Waterbodies... (s. 5.9.1)	No building or structure, including a municipal drain (except where a municipal drain forms part of a road allowance) shall be located within the flood plain of a watercourse, notwithstanding that such watercourse is not shown on any schedule forming part of this By-law.)	Existing Positioning.	Existing Positioning.	Yes

Provision	Requirement	Retained Lot	Severed Lot	Variance Required?
Lands Adjacent to Waterbodies... (s. 5.9.2)	Notwithstanding anything in this By-law, no building, structure, or septic tank installation including the weeping tile field ('no development') shall be located: i) within 30 metres (98.4 ft.) of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any schedule forming part of this By-law; or ii) notwithstanding i) above, where it is proposed that a septic sewage disposal system is to be installed on private property between 15.0 m (49.2 ft.) and 30 m (98.4 ft.), a requirement for a minor variance to this by-law shall be waived; or iii) within 15 metres (49.2 ft.) of the top of bank; or iv) within 30 metres (98.4 ft.) of an Environmental Protection Wetland Zone.	i. 9.7 m from water's edge. Existing positioning. ii. 28.4 m from water's edge. Existing septic system. If deemed necessary, new septic will meet 30 m requirement. iii. 9.7 m from water's edge. Existing positioning.	i. 8.8 m from water's edge. Existing building. ii. 41 m from water's edge. Existing septic system. / iii. 8.8 m from water's edge. Existing building.	Yes
Parking (s. 5.3A.(a))	One and two-family dwellings: 2 parking space/dwelling unit (required = 2 spaces per lot)	2 spaces	2 spaces	No
Lands Adjacent to Waterbodies... (s. 5.9.6)	Development proposals for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and/or consents to sever lands lying within 300 meters of the following cold water lakes should be accompanied by a cold water Lake Capacity Study prepared in accordance with Section 3.2.9	Papineau Lake is not at capacity.	Papineau Lake is not at capacity.	No

Provision	Requirement	Retained Lot	Severed Lot	Variance Required?
Non-Compliance of Existing Uses (s.5.11.1)	Where a building has been lawfully erected prior to the date of the passing of this By-law on a lot having less than the minimum frontage and/or area, or having less than the minimum front yard, side yard, rear yard or usable open space required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided said enlargement, reconstruction, repair or renovation does not serve to further reduce a required yard or required usable open space and provided all other provisions of this By-law are complied with.	The reconstruction of the non-complying dwelling will not further reduce the shoreline setback.	The existing building will be maintained. The shoreline setback will not be reduced further.	No
Existing Undersized Lots (s.5.13)	Where a lot having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry or Land Titles Office on the date of passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that the parcel has a minimum frontage of fifty percent (50%) or more of the minimum frontage required by the zone in which the parcel is situated, provided that an adequate supply of potable water is available to service the proposed use, provided such erection, alteration or use does not	<ul style="list-style-type: none"> • Lot area= > minimum • Lot frontage= > minimum 	<ul style="list-style-type: none"> • Lot area= 91% of minimum • Lot frontage= 77% of minimum 	No

Provision	Requirement	Retained Lot	Severed Lot	Variance Required?
	contravene any other provisions of this by-law and provided that all relevant requirements of the appropriate authority are complied with.			
Parking in a driveway (s.5.3B(l)(i))	Where the use on the lot is a one-family dwelling, two-family dwelling, a parking space may be located in a permitted driveway in a front yard.	Located in driveway	Located in driveway	No
Driveway Width (s. 5.3B.(k))	(i) In a Residential Zone, the minimum width of a driveway shall be 3.0 metres (ii) In a Residential Zone, the maximum width of a driveway within the required front yard shall be the lesser of: (a) 6 metres, or (b) 40% of the lot width, provided that the minimum width of the driveway shall not be less than 3.0 metres.	i) 3.0 m ii) 3.0 m	i) 3.0 m ii) 3.0 m	No No

The existing dwellings on both the proposed Retained and severed lot do comply to the WR rear yard/shoreline setback requirements due to the dwellings' proximity to the water's edge. The existing positioning of both dwellings does not comply with necessary shoreline vegetation buffer requirements. The dwelling on the severed lot will remain unchanged as a result of this proposal. The dwelling on the retained lot is proposed to be re-constructed taking care to minimize the potential for impacts associated with erosion, sedimentation, and the deposition of other deleterious materials. The positioning of the re-constructed dwelling will be moved slightly further back from the shoreline, however the square footage will increase to 159 m². The existing natural vegetative buffer adjacent to the shoreline does not comply with the minimum requirement of 15 metres but will remain untouched as a result of the proposed development. The vegetative buffer will not be addressed in the Zoning By-law Amendment due to it being legal non-conforming. The current setback between the dwelling and the water's edge will not be reduced as a result of the re-construction, and maintain conformity with section 5.11.1 of the zoning bylaw. The zoning bylaw amendment will recognize the existing and proposed built form on the proposed retained and severed lots.

The proposed development does not meet the required minimum lot size provisions of the WR zone. As such, this application for zoning bylaw amendment seeks to gain relief from the following provisions:

- The minimum lot area of the severed lot
- The minimum road frontage of the severed lot
- The minimum water frontage of the severed lot
- The minimum rear yard of the severed and retained lot

The proposed lot sizes and setbacks are in relation to existing structures on the property, and previous lot lines that existed before the lots were merged on title. The severed lot is undersized but cannot be adjusted due to the existing

structures. As indicated in the zoning table, the proposed lots and existing single detached dwellings, comply with all other requirements of the WR zone.

Conclusion

The applicant is seeking approval from Hastings Highlands and Hasting County to re-establish the original lot fabric which is already developed with separate dwellings at 3240 and 3248 Papineau Lake Road. No change in the neighbourhood fabric or servicing infrastructure will occur as a result of the severance. Dwellings will remain at the same distance from the shoreline as they are currently, with no further encroachment. The proposed rezoning will recognize the existing built form of the site. The proposed development applications maintain the intent and purpose of the Official Plan and zoning by-law, and are desirable for the appropriate development of the site in question.

It is our opinion that the proposed applications for consent and zoning by-law amendment are appropriate for the property in question and represent good land use planning. Should you have any questions or comments, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,



Michael Keene, MCIP RPP
Principal
Fotenn Planning + Design

APPENDIX A

Zoning By-law Amendment (WR-X)

Notwithstanding the provisions of Section 5 and Section 10 hereof to the contrary, the lands municipally known as 3240 Papineau Lake Road and designated 'WR-X' on Schedule 'A' hereto, the following regulations shall apply to the severed lot:

- a) *For the Principal Building*
 - i. *Lot Area (Minimum)* 3,641 sq. metres (11,945.5 ft.)
 - ii. *Road Frontage (Minimum)* 35.6 metres (116.7 ft.)
 - iii. *Water Frontage (Minimum)* 37.5 metres (123.0 ft.)
 - iv. *Rear Yard (Minimum)* 8.8 metres (28.8 ft.)
- b) *Lands Adjacent to Waterbodies, Watercourses, Embankments, Floodplains and Environmentally Sensitive Lands*
 - 1) *Notwithstanding anything in this By-law, no building or structure shall be located:*
 - i. *Within 8.8 metres (28.8 ft.) of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any Schedule forming part of this By-law.*

Zoning By-law Amendment (WR-Y)

Notwithstanding the provisions of Section 5 and Section 10 hereof to the contrary, the lands municipally known as 3248 Papineau Lake Road and designated 'WR-X' on Schedule 'A' hereto, the following regulations shall apply to the retained lot:

- a) *For the Principal Building*
 - a. *Rear Yard (Minimum)* 9.7 metres (31.8 ft.)
- b) *Lands Adjacent to Waterbodies, Watercourses, Embankments, Floodplains and Environmentally Sensitive Lands*
 - 1) *Notwithstanding anything in this By-law, no building or structure shall be located:*
 - i. *Within 9.7 metres (31.8 ft.) of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any Schedule forming part of this By-law.*