



## Rural Municipality of West River Planning Board Committee Minutes

<b>Meeting No</b>	PLB-24-06	<b>Time</b>	7:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Tuesday, January 9, 2024
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Centre
<b>Adaptation status</b>	Approved	<b>Contact Person</b>	Laala Jahanshahloo - CAO
<b>Attendance</b>	Mayor Helen Smith-MacPhail, Deputy Mayor Shaun MacArthur, Councillor Aaron MacEachern, Councillor Ryan Roggeveen, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Laala Jahanshahloo - CAO, Susan Morse – Administrative Assistant, Mirko Terrazsas - Development Officer, Satyajit Sen – Special Advisor		
<b>Regret</b>	Nil		
<b>Guest</b>	Sterling Buchanan		

### ▪ **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:00 PM.

### ▪ **Adoption & Approval of Agenda**

The agenda was approved as circulated. It was moved by Councillor John Yeo, seconded by Councillor Lillian MacCannell, and unanimously carried.

### ▪ **Declarations of Conflict of Interest**

No Conflict of interest was declared.

### ▪ **Adoption of Previous Meeting's Minutes**

The minutes of PLB-23-05, November 9, 2023, Planning Board Committee Meeting were approved as circulated. It was moved by Councillor John Yeo, seconded by Deputy Mayor Shaun MacArthur, and unanimously carried.

The minutes of the Public Meeting on November 14, 2023, Public Meeting were approved as circulated. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor Steve Pollard and unanimously carried.

The minutes of the Public Meeting on November 14, 2023, Public Meeting were approved as circulated. It was moved by Councillor John Yeo, seconded by Councillor Aaron MacEachern, and unanimously carried.

- **Recommendation Items**

- **PLB.24.06.1 – Rezoning Application PID 202671**

**Decision Type:** Action

**Status:** Deferred

**Background:**

PLB.23.05.1, [PUB MTG-23-01](#), and Registered Professional Planner Report prepared by Samantha Murphy (Appendix 6.1, attached hereto, forming a part of this minutes).

**Description:**

The Planning Board reviewed the minutes from the Public Meeting of November 14, 2023, and the review report from Samantha Murphy (RPP). The Planning Board recommends deferring the rezoning until receiving a legal opinion from the Municipality's lawyer regarding the ownership of the right of way (ROW) at Fraser Lane and whether the road can become public. It was moved by Councillor John Yeo and seconded by Deputy Mayor Shaun MacArthur, and the motion was carried (4-2).

- **PLB.24.06.2 – Rezoning Application PID 491324**

**Decision Type:** Action

**Status:** Denied

**Background:**

PLB.23.05.2, [PUB MTG-23-02](#), and Registered Professional Planner Report prepared by Samantha Murphy (Appendix 6.2, attached hereto, forming a part of this minutes).

## **Description**

The Planning Board reviewed the minutes from the Public Meeting of November 14, 2023, and the review report from Samantha Murphy (RPP). The Planning Board recommended that this rezoning application be denied. It was moved by Councillor Aaron MacEachern, seconded by Councillor John Yeo, and unanimously carried.

- **PLB.24.06.3 - Rezoning Application PID 818500**

**Decision Type:** Action

**Status:** Recommended

**Description:**

The Applicant presented their request to rezone PID 818500 for subdivision of 13 lots in varying sizes of greater than or equal to 1 acre. The Committee reviewed the Development Officer's report and recommended that the Council authorize the CAO to proceed with holding a public meeting according to Rural Municipality of West River's Land Use Bylaw#2022-04 Section (12.4) for the PID 818500 rezoning request. It was moved by Councillor John Yeo and, seconded by Deputy Mayor Shaun MacArthur, and unanimously carried.

- **PLB.24.06.4 – Variance/Subdivision Application PID 219329**

**Decision Type:** Action

**Status:** Recommended

**Background:**

A variance application was submitted to subdivide PID 219329 into two lots of 1 acre and 0.91 acre.

**Description:**

The Committee recommended approval of variation for subdivision of PID 219329. Deputy Mayor Shaun MacArthur moved that the Planning Board recommend this request to the council, seconded by Councillor Steve Pollard, and unanimously carried.

- **PLB.24.06.5 - Excavation Pit Development Agreement**

**Decision Type:** Action

**Status:** Recommended

**Background:**

Motion#2023-48

**Description:**

The Committee reviewed the excavation pit development agreement drafted by SJM as part of the “Excavation Pit Administration Add-on” and recommended that it be sent for legal review.

- **PLB.24.06.5 - Subdivision Agreement**

**Decision Type:** Action

**Status:** Recommended

**Background:**

PLB.2023.9.3 & Land Use Bylaw #2022-04 Section (13.14)

**Description:**

The Committee reviewed the subdivision agreement drafted by SJM. It was recommended that as this is a template and needs to be tailored for each case when it is required to be prepared, send it to the municipality’s lawyer for review and revision. It was moved by Councillor Lillian MacCannell, seconded by Deputy Mayor Shaun MacArthur, and unanimously carried.

- **PLB.24.06.6 – OP & LUB Amendments**

**Decision Type:** Action

**Status:** Recommended

**Background:**

[Minister of Housing, Land and Communities - Approval Letter](#)



**Description:**

The Planning Board recommends that the Council authorize the CAO to initiate the process of looking into future amendments to the Official Plan and Land Use Bylaw. It was moved by Councillor John Yeo, seconded by Councillor Lillian MacCannell, and unanimously carried.

▪ **PLB.24.06.7 – Schedule of Fees Revision – Bylaw #2022-04**

**Decision Type:** Action

**Status:** Deferred

**Background:**

The RMWR Fee Schedule was drafted in 2021 and revised in October 2022.

**Description:**

The Committee recommended this item be deferred until r the RMWR 2024-25 Financial Plan has been approved. It was moved by Councillor Aaron MacEachern, seconded by Deputy Mayor Shaun MacArthur, and unanimously carried.

• **Informational Items**

▪ **PLB.24.06.9 –Permit Reports**

**Decision Type:** Information

**Status:** Received

**Description:**

The Development Officer presented a summary of permits issued in 2023 by RMWR.

• **Adjournment**

- Deputy Mayor Shaun MacArthur motioned to adjourn the meeting at 7:55 PM.
- The next meeting is TBD.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_

## Appendix 6.1

SJ Murphy Planning & Consulting

Planning Report

REPORT FOR: Planning Board  
DATE: November 28, 2023  
PREPARED BY: Samantha Murphy, RPP, LPP, FCIP  
REPORT NUMBER: WR-2023-03.2  
SUBJECT: Rezoning land from RA to RR on Fraser Lane for purpose of 18 new one-acre lots

### BACKGROUND

An application has been submitted to rezone the parcel of land, PID 202671, from Rural Area (RA) to Rural Residential (RR). The purpose is to eventually be allowed to subdivide the subject parcel into 18 one-acre lots for residential development.

A planning opinion has been requested for the application, to be based on consideration of the requested zoning amendment, the material presented at the public meeting on November 14, 2023, public feedback received, and sound planning principles founded in the Rural Municipality of West River's Official Plan policies.

As the Rural Municipality of West River's Future Land Use Map and Zoning Map are mirrored, this application, as with any zoning application, also involves an amendment to the Municipality's official plan, which may be considered concurrently.

### RECOMMENDATION

Upon review of the matters outlined below, at this time and given the information presented, a decision on the proposed rezoning appears to be premature.

It is recommended that a decision on the requested rezoning of the subject parcel be deferred until the issues of securing public access and provincial acceptance of the new street have been adequately addressed and on-site servicing for residential uses have been confirmed.

### LIMITATIONS

Information provided by the Municipality included the application form, a preliminary site plan by SCL Engineering, the Site Suitability Assessment report by EastTech Engineering, the coastal hazard assessment and an associated flood hazard map. All technical analysis of the submission is based on these documents.

### DISCLOSURE

None

WR-2023-03.2 | Planning Report | Rezoning application: PID 202671 | 1





## Appendix 6.1 - Continued

Criteria	Compliance	Notes
b. conformity with all requirements of this Bylaw	Insufficient information	<p>13.9 – Road standards – all new streets (or extension of roads) shall be served by a public street: the parcel in the proposal has no frontage on a public street for any of the parent parcel.</p> <p>The private access through which the parent parcel has access to Route 19 needs to be evaluated to determine the appropriateness of it as a future ROW upgraded to public standard and the traffic impact involved.</p> <p>It does not appear that the subdivision application has been reviewed by the Province for an entranceway permit or other access.</p> <p>Applicant’s statements at the public meeting suggest that the requirement for a public road is understood, but a preliminary assessment should be undertaken for whether a more intensive level of traffic could be accommodated in that location, even with the provision of a public street.</p>
c. suitability of the site for the proposed development;	Insufficient information	A determination cannot be made at this time based on the portion of the SSA that was provided, although the summary provided suggests it is suitable for on-site services. Confirmation is required.
d. compatibility of the proposed development with surrounding land uses, including both existing and future uses as per the Zoning Map;	Mostly Consistent	This is one of two similar RA lots surrounded by residential development and coastline that are cut off from other resource lands. As such, transitioning out of RA to RR may reduce land use conflicts between existing rural and residential uses.
e. any comments from residents or other interested persons;	Weighing Required	<p>Public meeting took place on November 14, 2023.</p> <p>Questions and comments generally covered the following:</p> <ul style="list-style-type: none"> <li>• road access, road upgrades, traffic implications in area, connection to other parcels and roads in area, bussing</li> <li>• future plans for subdivision and potential for more than the proposed 18 lots</li> <li>• likely nature of future homes and potential for large buildings and possibility of other types of residential uses permitted under the zone</li> <li>• construction plans</li> <li>• need for more housing in the community</li> </ul>
f. adequacy of existing water supply, wastewater treatment and disposal systems, streets, stormwater management, and parks and parkland for accommodating the development, and any projected infrastructure requirements;	Insufficient information	<ul style="list-style-type: none"> <li>• Water supply – adequacy unknown (no information provided). Would be individual wells.</li> <li>• Soils for septic systems – given the limited portion of SSA provided, it is unclear if any additional assessment was provided on how soil permeability would need to be addressed.</li> <li>• Streets – a private right-of-way owned by a third party links the existing Fraser Lane (a private road) to Route 19. Street frontage requirements are not met and more information is required to determine future arrangements</li> </ul>

WR-2023-03.2 | Planning Report | Rezoning application: PID 202671 | 4

## Appendix 6.1 - Continued

Criteria	Compliance	Notes
		<p>relating to the access over that private right-of-way for a new public street</p> <ul style="list-style-type: none"> <li>One lot is being set aside as “open space” – the final location and size would be assessed as part of the subdivision stage.</li> </ul>
g. impacts from the development on pedestrian and vehicular access and safety, and on public safety generally;	Weighing required	<p>This proposal adds a long roadway with no turnaround to the Province’s system requiring road maintenance. It would also involve crossing over a private road to access the new street unless the portion of Fraser Lane immediately adjacent to Route 19 is also made public. The Province would have to be willing to take on the new street.</p> <p>However, a new subdivision street is being proposed for the new lots, reducing the number of potential lots being subdivided with separate accesses along more general routes. The addition of a new road in the area could also provide an additional emergency access for the properties immediately to the east, which would not be connected on a permanent basis but which are currently accessed only through Darrach Rd.</p>
h. compatibility of the development with environmental systems;	Mostly consistent	There appears to be no wetlands or sensitive areas on the site. If not all lots can support onsite services, then the number of lots may need to be reduced. A coastal hazard assessment was provided and no concerns were flagged.
i. impact on the Municipality’s finances and budgets; and	Mostly consistent	It is anticipated this development would have a limited impact on the municipal budget, with the exception of an increase in parkland and a moderate increase in tax revenues from the associated development over time.
j. other planning matters as considered relevant by the Planning Board or Council.	Not applicable	None identified
<b>Additional Considerations for Site-Specific Amendments under subsection 12.2(1) of the Bylaw</b>		
a. the proposed site-specific amendment is not contrary to the Official Plan. If an application is contrary to the policies in the Official Plan, an application to amend the Official Plan must be filed in conjunction with the application to amend the Bylaw;	Not applicable	
b. the proposed use of land or a building that is otherwise not permitted in a zone is sufficiently similar to or	Not applicable	



## Appendix 6.1 - Continued

Criteria	Compliance	Notes
compatible with the permitted uses in that zone; and		
c. the proposed use does not undermine the overall integrity of the zone, is in the public interest, and is consistent overall with sound planning principles.	Not applicable	
Special Planning Area considerations (section 13.6):		
In the areas subject to the <i>Cornwall Region Special Planning Area</i> , the requirements of clause 63(10)(d) of the <i>Subdivision and Development Regulations</i> shall apply. (See Schedule F)	Not applicable	

### Comments from residents or other interested persons

Public feedback expressed at the public meeting:

Comment	Consideration
ROW access to property – is there a limit to number of lots?	If the road becomes a public road and is taken on by the Province, there be no limits to the number of lots that could be approved, other than lot size, other bylaw requirements, and any transportation-related limits identified by the Province.
Concern about noise and mess during construction period	This is a temporary issue and should not be a concern in making the decision about long-term land use changes. A construction plan could be included in a subdivision agreement.
Connectivity of subdivision with other roads. Large increase in traffic potentially.	Traffic safety may be an area of concern, to be identified in discussions with the Department of Transportation. Connectivity of subdivision with other roads would make sense instead of dead-end streets, particularly in relation to long term emergency management.
Not going to be an affordable type of development when a public road is required.	Public safety must be ensured through development of a public street.
Need for housing	Two speakers referenced the need for additional housing in the community.
Potential for other uses	Some speakers questions whether other residential uses would be permitted, notwithstanding the applicant's concept for single detached residential lots.

### OPTIONS FOR CONDITIONS

## Appendix 6.1 - Continued

### **Amendments (Changes in Zoning) to Permit Residential Subdivisions:**

The Planning Act and the Bylaw do not permit the imposition of conditions for subdivision or development at the rezoning stage, such as limiting the subdivision to the type of residential uses proposed at the time of zoning application; however the ability of the site to accommodate the proposed use is a consideration during the rezoning process and some considerations are highlighted in the assessment above.

### **OPTIONS**

Council has several options available in relation to this application:

1. Denial – As the application is currently incomplete and aspects of the proposal may not be deemed to be consistent with the Official Plan, Council may choose to deny this application outright.
2. Approval – Land use planning requires a need for balancing interests in a community. Council will need to consider this balance of various Official Plan policies to determine which ones will be prioritized for this development. If Council feels that the proposal is consistent with the balance of Official Plan policies, it can approve the amendments to the Official Plan (change in designation on the Future Land Use Map) and Land Use Bylaw (change in zoning on the Zoning Map).
3. Deferral – Given that the application is missing several critical elements based on the information provided for this assessment (i.e., information on the access and the conversion of the private land to a public street, drinking water supply, and the number of lots that can be supported given soil suitability), it may be in the community (and developer's) best interests for Council to defer its decision on this matter until such time as there is adequate and fulsome information before Council to make an informed decision.

WR-2023-03.2 | Planning Report | Rezoning application: PID 202671 | 7



## Appendix 6.1 - Continued

### APPENDIX A – CURRENT ZONING AND ADJOINING USES

#### Future Land Use Designation and Zoning - PID 202671

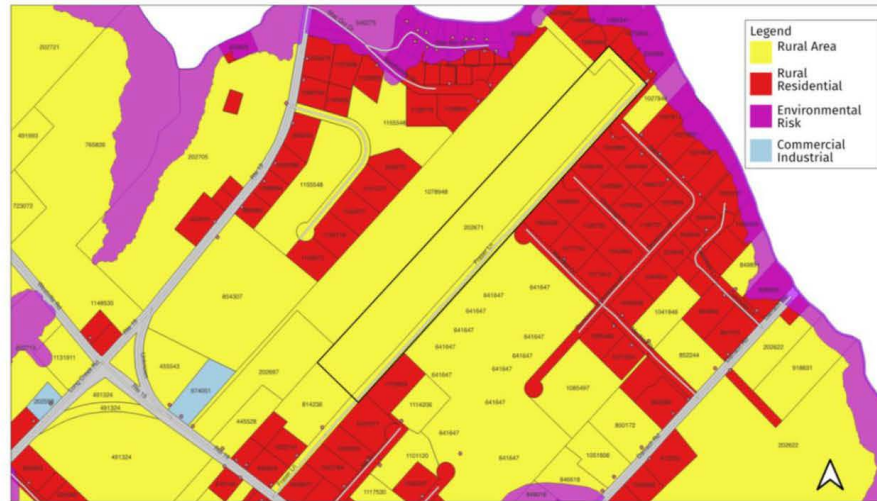


Figure 1 - Current Land Use Designations and Zoning



Figure 2 - Source: Google Maps, Nov 2023

WR-2023-03.2 | Planning Report | Rezoning application: PID 202671 | 8

## Appendix 6.1 - Continued

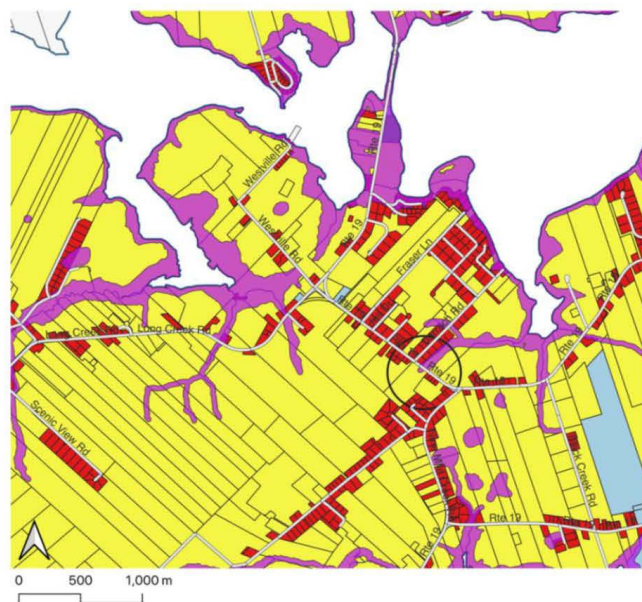


Figure 3 - Designations from Future Land Use Map with Community/Future Node indicated (official plan)

## Appendix 6.2

SJ Murphy Planning & Consulting

Planning Report

REPORT FOR: Rural Municipality of West River  
DATE: November 28, 2023  
PREPARED BY: Samantha Murphy, RPP, LPP, FCIP  
REPORT NUMBER: WR-2023-03.1  
SUBJECT: Rezoning and Site-Specific Amendment – PID 491324 – Clustered Housing

### BACKGROUND

An application has been submitted for subdivision for Parcel 491324 for 6-10 lots of 1-5 acres. The proposed final use is believed to be a number of apartment buildings on two lots. The application deals with 16 acres out of 71 acres, with the remaining portion of the property to be retained by the current owner.

A planning opinion has been requested for the application, to be based on consideration of the requested approval, the material presented at the public meeting on November 14, 2023, public feedback received, and sound planning principles.

As the Rural Municipality of West River's Future Land Use Map and Zoning Map are mirrored, this application, as with any zoning application, also involves an amendment to the Municipality's official plan, which may be considered concurrently.

Based on the information provided by the Applicant at the public meeting, all parties agree that the current application being considered by Council is for a change in zoning and future land use designation from Rural Area to Rural Residential. Any application for a site-specific amendment to permit clustered housing and/or a subdivision application and ultimately a development permit, would be considered in a future stage.

### RECOMMENDATION

Upon review of the matters enumerated below, the application appears to be incomplete. Based on the information provided, it is not possible to provide a full assessment on all criteria associated with changes in zoning.

Notwithstanding the above, based on a preliminary assessment consisting of a review of the Official Plan policies and the appropriateness of the location for the proposed higher density residential use, approval of the requested change in zoning is not recommended at this time.

### LIMITATIONS

All professional analysis of the submission is based on the documents provided by the Municipality, which included:

- An application form for the Municipality's file WR-0022 for a subdivision for 6-10 lots ranging in size from 1-5 acres
- A preliminary site plan on an aerial image of the parcel showing 6 lots as well as a green space and a remnant parcel, along with a second map document with PID 491324 indicated as Parcel A.

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 1

## Appendix 6.2 - Continued

- A copy of the notice for the public meeting
- An initial internal review which included Appendix 1 that showed a different site plan showing 2 lots and six apartment buildings
- A copy of the response letter to the applicant regarding their concurrent application to rezone and subdivide.

### DISCLOSURE

None noted

### OVERVIEW

While the documentation supplied dealt primarily with an application for subdivision, the public meeting held on November 14, 2023 dealt specifically with the change in zoning required to permit a subdivision of more than 4 lots and/or clustered housing and apartment uses.

#### **Planning Analysis:**

##### Completeness of application

- The application form supplied was for a subdivision but also indicated a request to rezone. The application form did not include the property owner's signature and it is unclear if the owner has provided permission for the application to proceed in another document. The documentation supplied is incomplete in other forms as well, indicating simply 'dwellings' for proposed use, does not include a road name for the parcel location, and includes a range of potential lots sizes and number of lots. The application provided is lacking the additional information indicated on page 2 of the application form, which provide the basis for a more in-depth review of the proposed subdivision.
- Based on the information provided, given the number of lots the applicant is seeking, a rezoning from Rural Area (Ra) to Rural Residential (RR) is required. For a rezoning application, a specific application form is required. While it is possible this has been submitted, it was not in the documentation supplied.
- Based on the indication of more than one residential building on a parcel, the proposed future use is clustered housing. Clustered housing is a site-specific amendment use in the RR zone, requires a public meeting, and is subject to terms and conditions based on an analysis of the suitability of the site for the proposed use.
- A number of different proposed site and subdivision plans have been provided and it is unclear which is the most current.
- Traffic and access considerations, as well as a site assessment for the property, do not appear to have been undertaken for the current proposal.

##### Process

The proposed development is a complex project and involves multiple stages of approval. Based on the clustered housing component, the appropriate required steps would be:

- Initial assessment of proposal for completeness of application, as well as appropriateness and consistency with the Official Plan and Bylaw.

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 2



## Appendix 6.2 - Continued

- Once a complete application is received and the initial assessment is complete, Planning Board and Council would consider the appropriateness of bringing the proposal to the public for comment. At this point, there are two options:
  - Entertain an application to rezoning to Rural Residential on the basis of a desire to develop more than five lots and/or build apartments, followed by a second consideration to entertain a site-specific amendment application for clustered housing (also an amendment process requiring a public meeting); OR
  - Entertain a combined application to rezone to Rural Residential and permit a site-specific amendment use – these can be considered at the same public meeting if the proper procedures are followed.
- In the consideration of the rezoning request, the compliance of the proposed use (multi-lot subdivision) with the Official Plan and suitability of the site for a multi-lot subdivision use would be assessed. **Rezoning to Rural Residential on its own would not indicate that a site-specific use of clustered housing would be permitted.** This assessment would extend to a preliminary assessment of the impacts of the proposed end use, recognizing that it could change based on permitted uses in the zone. Provincial departments of Transportation and Environment would be consulted to ensure the site could be used in a manner consistent with the proposed zone.
- In the consideration of a site-specific amendment request, the Municipality would be expected to give a more in-depth analysis of the proposed final use and the appropriateness of the site and may establish conditions appropriate to ensuring compatibility of the proposed use with the Official Plan policies and the Bylaw. This process would involve a greater degree of consultation with provincial departments and other qualified professionals. Depending on the scale of the proposed development, the Department of Environment should be consulted to see if an environmental impact assessment is required.
- If the rezoning and site-specific amendment use are approved and following approval by the minister responsible for the Planning Act, the applicant would submit a complete application for subdivision approval. The subdivision would be assessed on, among other criteria, the intended use of the parcel(s) to ensure that any lots approved can be developed in the desired manner. Matters to be considered would include, but not be limited to: stormwater management; anticipated traffic volume; location of accesses; parkland dedications; site assessments; and water and wastewater treatment requirements. Depending on the scale of subdivision and anticipated uses, a subdivision agreement may be appropriate.
- Once the subdivision process is complete, the applicant would submit a development permit application. Given the clustered housing component, the development would be subject to any conditions identified at the time of the site-specific amendment process. This stage requires the highest level of details on matters such as water and wastewater treatment, location of the entranceway(s), stormwater management, and other items identified through the process and in the Bylaw. A development agreement would be recommended.

### Potential Uses In the RA Zone

Considered on its own, the change in zoning for the parcel would permit the following as permitted uses: single-detached dwellings; duplex dwellings and semi-detached dwellings; apartment dwellings; and townhouse dwellings. Clustered housing and conservation subdivisions are site-specific amendment uses and would require a second public meeting and amendment process.

## Appendix 6.2 - Continued

The number of lots permitted to be subdivided in the RR Zone is determined by on-site servicing requirements, accesses, and other similar considerations.

In determining the appropriateness of applying the RR Zone to the area in question, Council needs to be comfortable that the full range of permitted uses are appropriate to the area and that a more intensive residential use on the property is in keeping with the intent and policies of the Official Plan.

### Site-Specific Amendment Uses

The Bylaw defines clustered housing as a land *development* project for more than two *residential use buildings* on the same *lot* intended for rental, condominium, cooperative or other form of ownership.

The proposal includes multiple apartment buildings on the proposed parcels, making the use clustered housing. Clustered housing is a site-specific housing use in the RR zone (clause 7.4 (1) (a)). The Bylaw allows Council to establish conditions for the use. The approval process criteria include, among other things, that the proposed *use* does not undermine the overall integrity of the *zone*, is in the public interest, and is consistent overall with sound planning principles. The Official Plan sets out matters that may be addressed or required under the Bylaw in Policy PHY-3, plan action (d). The Official Plan also includes a number of other policies that should be included in the consideration of the proposed use. Where the policies require weighing, the proposed use would be considered against them as a whole and any potential conditions (including limits in scale) would identify how the project could be developed to ensure compliance.

## Appendix 6.2 - Continued

### ASSESSMENT

Subsection 12.3(4) of the Bylaw establishes criteria to be considered when reviewing applications for Official Plan and Bylaw amendments. These include:

Criteria under Land Use Bylaw ss 12.3(4)	Compliance	Notes - elaborate
a) conformity with the Official Plan;	Weighing Required	See below
Relevant Official Plan Policies (check those that apply):		
<b>Economic Policies:</b> <input type="checkbox"/> RU-1 <input checked="" type="checkbox"/> RU-2 <input checked="" type="checkbox"/> RU-3 <input type="checkbox"/> RU-4 <input type="checkbox"/> RU-5   <input type="checkbox"/> CI-1 <input type="checkbox"/> CI-2 <input type="checkbox"/> CI-3 <input type="checkbox"/> CI-4 <input type="checkbox"/> CI-5 <input type="checkbox"/> EI-1 <input type="checkbox"/> EI-2	Weighing Required	<p>The Rural Area zone was created to support a range of rural uses, including resource uses, rural scale residential uses, and institutional and small-scale commercial uses.</p> <p><b>Policy RU-2:</b> identifies the goal of protecting resource lands and activities and limiting unserviced development, with the exception of areas identified as community nodes. The subject parcel is beyond the community node in that area. While the parcel may not be suited to agricultural uses, it is largely surrounded by RA-zoned properties and its transition to other uses could increase conflicts between resource and other uses as the residential population grows in a concentrated area.</p> <p><b>Policy RU-3:</b> This policy speaks to development patterns more suitable to a rural landscape. A larger residential development enabled under the RR zone, particularly with the proposed intensive apartment uses is not typical or consistent with a rural landscape.</p>
<b>Physical Policies</b> <input type="checkbox"/> PHY-1 <input type="checkbox"/> PHY-2 <input checked="" type="checkbox"/> PHY-3 <input checked="" type="checkbox"/> PHY-4 <input type="checkbox"/> PHY-5 <input type="checkbox"/> PHY-6 <input checked="" type="checkbox"/> PHY-7 <input type="checkbox"/> PHY-8 <input type="checkbox"/> PHY-9 <input checked="" type="checkbox"/> TI-1 <input checked="" type="checkbox"/> TI-2 <input checked="" type="checkbox"/> TI-3 <input type="checkbox"/> TI-4	Weighing Required	<p><b>Policy PHY-3:</b> While the application involves clustered housing, the area immediately adjacent involves a more rural landscape and the development of the property would not involve the expansion of an existing residential cluster or infill. Grouped housing (clustered housing) is explicitly contemplated but where siting, servicing, and impacts can be managed.</p> <p><b>Policy PHY-4:</b> The policy speaks to the purpose of the community nodes or future nodes identified on the Future Land Use Map. While not exact fixed areas, the nodes identify priority areas for future growth at such a time as their development is appropriate. As this site is outside of a community node, it could be considered premature, should Council be of the opinion that it is too far removed from an identified node.</p> <p><b>Policy PHY-7:</b> this is an application for a change in zoning, the RR zone would permit more intensive residential development, and depending on scale, a</p>

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 5

## Appendix 6.2 - Continued

		<p>form of residential development that may be challenging to integrate into the surrounding natural and built landscape.</p> <p><b>Policy TI-1:</b> coordination with the Province in assessing, at least to a preliminary level, the suitability of the location for more intensive residential development is recommended.</p> <p><b>Policy TI-2:</b> Provincial confirmation of the ability of the site to provide access for a significant number of vehicles has not been confirmed.</p> <p><b>Policy TI-3:</b> this will be a larger consideration at a site-specific amendment or subdivision stage.</p>
<p><b>Social Policies</b></p> <p><input checked="" type="checkbox"/> R-1 <input checked="" type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" type="checkbox"/> R-4  <input type="checkbox"/> R-5   <input type="checkbox"/> CS-1 <input type="checkbox"/> CS2  <input type="checkbox"/> CS-3 <input type="checkbox"/> CS-4   <input checked="" type="checkbox"/> PR-1  <input type="checkbox"/> PR-2 <input type="checkbox"/> PR-3 <input type="checkbox"/> PR-4    <input type="checkbox"/> EDI-1 <input type="checkbox"/> EDI-2 <input type="checkbox"/> EDI-3</p>	<p>Weighing Required</p>	<p><b>Policy R-1:</b> This policy area provides a number of criteria for consideration for the location of future RR zones. Plan action (g) in particular encourages residential development to be located in areas adjacent to existing housing clusters and where appropriate, identified future nodes.</p> <p><b>Policy R-2:</b> The policy references small-scale multi-unit dwellings as one objective, but did not include more intensive multi-unit dwelling developments.</p> <p><b>Policy R-4:</b> Plan action (a) references development constraints and other matters relating to health and safety. It is premature based on the information available to fully assess this.</p> <p><b>Policy PR-1:</b> This will be a greater consideration in a site-specific amendment assessment or during a subdivision phase.</p>
<p><b>Environmental Policies</b></p> <p><input checked="" type="checkbox"/> EN-1 <input checked="" type="checkbox"/> EN-2 <input checked="" type="checkbox"/> EN-3  <input type="checkbox"/> EN-4 <input checked="" type="checkbox"/> EN-5 <input type="checkbox"/> EN-6  <input type="checkbox"/> EN-7 <input type="checkbox"/> EN-8 <input checked="" type="checkbox"/> EN-9  <input type="checkbox"/> EN-10 <input type="checkbox"/> EN-11</p>	<p>Insufficient information</p>	<p><b>Policy EN-1:</b> an assessment of the suitability of the site for more intensive residential uses has not yet been undertaken. The proposed clustered housing could create a significant area covered in impervious surfaces.</p> <p><b>Policy EN-2:</b> a further assessment should be undertaken in future phases if the change in zoning is approved.</p> <p><b>Policy EN-3:</b> a further assessment should be undertaken in future phases if the change in zoning is approved.</p> <p><b>Policy EN-5:</b> more information is needed to ensure that the site is suitable for more intensive residential development.</p> <p><b>Policy EN-9:</b> more intensive residential development that replaces sprawl further away from employment and service centres can reduce emissions through</p>

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 6



## Appendix 6.2 - Continued

		reduced trip time and provide the critical mass to support transit.
b. conformity with all requirements of this Bylaw;	Insufficient information	Site suitability, transportation, stormwater, compatibility matters yet to be identified
c. suitability of the site for the proposed development;	Insufficient information	Location appears to be an open field that could accommodate residential uses and is close to but not immediately in the future node.
d. compatibility of the proposed development with surrounding land uses, including both existing and future uses as per the Zoning Map;	Insufficient information	This would depend on the final scale of the project
e. any comments from residents or other interested persons;	Weighing Required	Residents that spoke to the application clearly felt that the use of the site for more intensive residential development was not appropriate or compatible with the rural character in the immediate area. Comments are more fully described below.
f. adequacy of existing water supply, wastewater treatment and disposal systems, streets, stormwater management, and parks and parkland for accommodating the development, and any projected infrastructure requirements;	Insufficient information	Information needed from the Province on servicing of water and wastewater.
g. impacts from the development on pedestrian and vehicular access and safety, and on public safety generally;	Insufficient information	
h. compatibility of the development with environmental systems;	Insufficient information	Significant residential density, more information required from the Province.
i. impact on the Municipality's finances and budgets; and	Not applicable Insufficient information	No immediate impacts are identified. An increase in tax base would make municipal services more affordable over time. There are limited public services in the area currently.
j. other planning matters as considered relevant by the Planning Board or Council.	Not applicable	None identified at this time.

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 7

## Appendix 6.2 - Continued

Additional Considerations for Site-Specific Amendments under subsection 12.2(1) of the Bylaw		
a. the proposed site-specific amendment is not contrary to the Official Plan. If an application is contrary to the policies in the Official Plan, an application to amend the Official Plan must be filed in conjunction with the application to amend the Bylaw;	Weighing Required	See above analysis - this will need to be considered if the project moves to a site-specific amendment stage.
b. the proposed use of land or a building that is otherwise not permitted in a zone is sufficiently similar to or compatible with the permitted uses in that zone; and	Not applicable yet	This will need to be considered if the project moves to a site-specific amendment stage. While the proposed use is residential, the surrounding area is lower-density (rural) residential and agricultural uses – the difference in scale presents questions of compatibility, particularly in terms of the rural character.
c. the proposed use does not undermine the overall integrity of the zone, is in the public interest, and is consistent overall with sound planning principles.	Not applicable yet	This will need to be considered if the project moves to a site-specific amendment stage.
Special Planning Area considerations (section 13.6):		
In the areas subject to the Cornwall Region Special Planning Area, the requirements of clause 63(10)(d) of the <i>Subdivision and Development Regulations</i> shall apply. (See Schedule F)	Not applicable	The subject site is outside of the special planning area.

**Comments from residents or other interested persons**

Public feedback expressed at the public meeting covered the following matters:

Comment Theme	Consideration
Remaining portion of parent parcel	As there is no application for the proposed remnant and the applicant states that there is no intent to purchase more than 16 acres, this is not relevant to the decision at hand.
Servicing – ability of site to accommodate anticipated intensity of use	This is a valid question and one that would have to be answer before approval could be considered.

## Appendix 6.2 - Continued

Environmental suitability	The nature and suitability of the site for more intensive residential uses is something that should be confirmed both through the Department of Environment and through a site suitability assessment before approval could be considered
Impacts of more intensive residential uses and compatibility	Speakers noted the impact of the proposed apartment buildings and their compatibility with the immediate area, given the rural development pattern, potential stormwater concerns, and suitability of the site for more intensive residential uses given the lack of transit and services. The questions of lighting, traffic, and intensity of use given the more typically rural adjoining uses should be given careful consideration given the policies in the Official Plan regarding preservation of the rural character of the community.
Traffic impacts	Additional information is required on the potential traffic impacts and the Province’s position on the proposed level of use before approval could be considered.
Future rental prices, tenants	Projected rents and who the potential future tenants might be are not considerations in this process.
Concern about noise and mess during construction period	This is a temporary issue and should not be a concern in making the decision about long-term land use changes. A construction plan could be included in a subdivision agreement.
Timing of application given recent adoption of the Official Plan	The planning process always allows for the option for applications for amendments. The suitability of the proposed change should be assessed in the context of the continued relevance of the adopted goals, objectives, policies, and plan actions. In some cases, an amendment is appropriate, in others, it would be determined to conflict. This is assessed on a case by case basis.
Need for some flexibility in light of housing constraints	The local need for housing is something that should be considered, with consideration given to whether the proposed intensity of use and the potential impacts are acceptable on the site in question.
Alternatives to apartment buildings, such as clustered tiny homes	The applicant noted that tiny homes are still required to meet minimum lot sizes, making the costs of such a development not feasible.

### Ability of Council to Apply Conditions

#### Amendments (Changes in Zoning) to Permit Residential Subdivisions:

The Planning Act and the Bylaw do not permit the imposition of conditions for subdivision or development at the rezoning stage; however the ability of the site to accommodate the proposed use is a consideration during the rezoning process and is highlighted in the assessment above, particularly where the proposed use is clustered housing.

#### Site-Specific Amendment Uses:

While the application currently before Council is the change in zoning, many of the questions raised pertain to the proposed future use of clustered housing. Subsection 3.10(1) of the Bylaw allows for the imposition of conditions on development permits subject to such conditions being directly related to and consistent with the Municipality’s bylaws and Official Plan. The zone provisions in the specific zones further allow the approval of specified site-specific amendment uses, subject to such conditions as Council deems necessary. Such conditions would be noted as part of the Site-Specific Amendment process. This provision allows for the

## Appendix 6.2 - Continued

imposition of conditions necessary to ensure that the Official Plan policies and the criteria under 12.2(1) are met.

Potential considerations for this application should it proceed to a site-specific amendment stage include the following:

- Scale or intensity of development and overall number of units: the Official Plan contemplates a mix of housing types, including apartments. It also speaks to the value placed on rural character and environmental sustainability.
- The increase in housing options should be weighed against intensive rural development with on-site services.
- While the clustered housing option is available as a site-specific amendment use, there is a significant difference between a cluster of 8-12 townhouse units in a number of buildings, a tiny home or mini-home, or even grouped single detached units and 48-72 units.

### Summary

Insufficient information is available at this time to provide a full assessment beyond the general policies of the Official Plan. Given the scale of development and the anticipated intensity of use, consultation with the required provincial departments is needed, at a minimum, should the location of the proposed zone and use be determined to be consistent with the policies of the Official Plan.

#### Traffic Impacts

Information supplied by the Applicant in their presentation at the public meeting noted ongoing discussions with the Province dating to before the Municipality assumed jurisdiction over planning. The presentation indicated that the Department of Transportation had already indicated that access on Route 19 would be problematic, particularly in relation to individual driveways. The concept presented at the public meeting therefore included an access from Route 19A. For the consideration of a change in zoning to RR alone, the suitability of the site to provide access for more than 4 lots should be assessed. Should the first application be successful and an application for apartments on individual lots or as clustered housing through a site-specific amendment proceed, additional consideration of specific traffic volumes would also need to be assessed.

#### Environmental Considerations

Given the intensity of either a multi-lot subdivision or a cluster of apartment buildings, a site assessment for the property is essential to determine the suitability of the site for the proposed zoning, should the location of the proposed zone and use be determined to be consistent with the policies of the Official Plan. While there is no ER zone identified for the property, it is possible that a detailed site assessment would identify sensitivities on the site. It is strongly recommended that the Department of Environment be consulted prior to any further consideration.

#### Density of Development

The development proposal involves high density residential development in an area of the Municipality that has never been considered for such intensive use. The proposal appears to be inconsistent with the rural

## Appendix 6.2 - Continued

nature of the area, and indeed, of the Municipality as a whole, as well as the intent of the Official Plan to help preserve the rural nature of the area appears.

### OPTIONS

Council has several options available in relation to this application:

1. **Denial** – if Council determines that the Official Plan policies and information provided on the site for the proposed intensification of residential uses through a change in designation and zoning is sufficient to determine the requested amendments are not appropriate, Council could, by resolution, deny the application. A response in writing with reasons would be required and the decision would be posted in accordance with the Bylaw and the Planning Act.
2. **Approval** – if Council determines the Official Plan policies sufficiently support the requested changes in designation and zoning, approval would be undertaken through the adoption of an amendment to the Official Plan and Future Land Use Map and the full set of readings, approval and adoption of the amendment to the Land Use Bylaw and Zoning Map. A site-specific amendment and subdivision process would then follow.
3. **Deferral** – if Council determines that the additional information relating to traffic and access considerations and site suitability for on-site services will contribute to their ability to make a decision on the application, the consideration of whether or not to amend the Official Plan Future Land Use Map and the Land Use Bylaw Zoning Map should be deferred until such time as the required information is provided.



## Appendix 6.2 - Continued

### APPENDIX A – CURRENT ZONING AND CONTEXT

Future Land Use Designation and Zoning - PID 491324



Figure 1 - portion of the parcel that is the subject of the application for a change in designation and zoning.

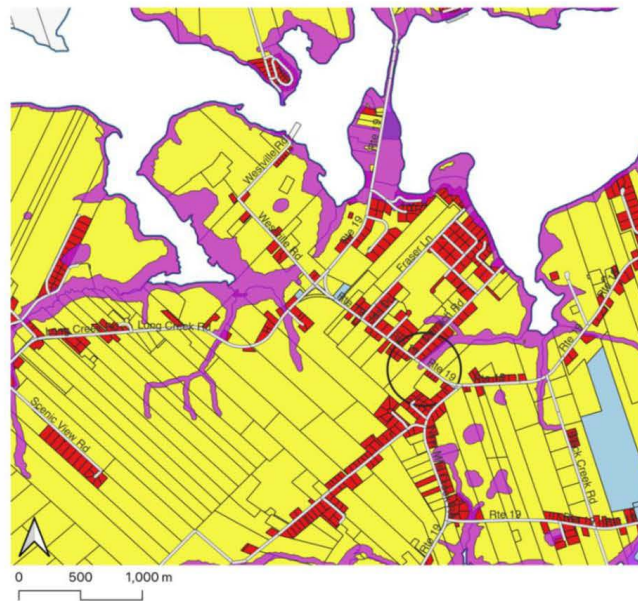


Figure 2 - Zoning and Designation on Future Land Use Map with Future/Community Node Indicated.

WR-2023-03.1 | Planning Report | Rezoning Application: PID 491324, Route 19 & 19A | 12