



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole – Community Development

Date: October 2, 2023

Department: Community Development

Topic: Consent Policy Review – Revised Amendment Option #2

Purpose: To review a revised Official Plan Amendment

Background: Committee has requested the following changes to the Township's consent policies for the Rural area in our Official Plan and/or Zoning Bylaw:

1. Reduce the minimum lot size from 1.0 hectare to 0.4 hectares (OPA, ZBA);
2. Reduce the minimum lot frontage from 70m to 45m (ZBA)
3. Increase the maximum number of lots that may be created from an original land holding by consent from two to four (OPA); and
4. Redefine an original land holding from December 6, 2003 to December 6, 2013 (OPA).

[Draft amendment option #1](#)

At the Committee's request, a draft Official Plan amendment and a draft Zoning Bylaw amendment were presented at the September Committee meeting that reflected the above changes. Through preliminary consultation with the Counties as the Approval Authority, we understand that an amendment to permit additional severances in the Rural area will need to demonstrate that there is a need for additional lots.

[Land needs](#)

A land needs assessment was completed by Novatech with assistance from the Counties, which shows that the Township has approximately 816 vacant lots (575 excluding draft approval) potentially suitable for residential development. 379 of those lots are in the Rural Area.

The PPS requires Planning authorities to maintain the ability to accommodate residential growth for a minimum of 15 years through intensification, redevelopment and, if necessary, lands which are designated for residential development. When compared to our average demand for lots, the assessment concludes that there is more than a 20 year supply of land in Edwardsburgh Cardinal.

Additional information was requested by the Committee in regards to the land needs for Rideau Lakes. The following information was provided by the Counties.

| | Rideau Lakes | Edwardsburgh Cardinal |
|---|--------------|-----------------------|
| Vacant Lots | 470 | 816 |
| Lots projected to be created by severance over the next 15 years* | 265 | 75 |
| Total lots available over the next 15 years | 735 | 886 |
| Demand per year** | 50 | 20 |
| Demand projection over 15 years | 750 | 300 |
| Projected # of lots available in 15 years | -15 | 516 |

*based on 10 year severance average

**based on average number of building permits for new dwellings

Novatech shared in their September report to Committee that there does not appear to be planning justification for increasing the maximum number of lots that can be created by consent.

Draft amendment option #2

As such, a second draft amendment was prepared. The second amendment would reduce the minimum lot size from 1ha to 0.4ha. It is understood that this policy revision would have the effect of rendering many existing lots as being eligible for land division. Accordingly, it is considered that a reduced lot area requirement will generate additional opportunities for severance(s) and plans of subdivision.

Hydrogeological Assessment and Terrain Analysis

The second draft amendment also included policy changes that would require a hydrogeological assessment and terrain analysis when a lot is being created that is less than 1ha.

A report was prepared for Committee by a Hydrogeologist at JP2G regarding the importance of a hydrogeological study and terrain analysis, and clarification on the Ministry requirements for these assessments.

The PPS section 1.6.6.4 permits individual on-site sewage and water services when municipal or private communal services are not available “provided that site conditions are suitable for the long-term provision of such services with no negative impacts”.

The PPS defines “negative impacts” for this policy specifically:

“in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;”

JP2G further explains the significance of lot size as it relates to provincial standards, referencing the Ministry's D-5 series guidelines:

Lot Size

Typically, if the proposed lots within the development are one (1) hectare or larger, or the average lot size is 1 ha or larger and there are no lots being smaller than 0.8 ha, the risk of individual septic systems at the boundary limits is considered acceptable and may not require a detailed hydrogeological assessment, if it is demonstrated that the site is not hydrogeologically sensitive. In this instance it is assumed that the attenuative processes within the 1 ha lot will be sufficient to reduce the nitrate-nitrogen concentrations to acceptable limits.

Committee felt that the requirement for a hydro-g and terrain analysis within the Official Plan would create a burden for developers. Staff were asked to review policies for Rideau Lakes, which seemed to have lessened these requirements through their recent Official Plan amendment.

Both the Augusta and Rideau Lakes Townships have Official Plan policies to request this study and have adopted separate policies by Council Resolution to clarify when a hydrogeological assessment and terrain analysis is considered a reasonable requirement for lot creation (see attached policies). It is also noted that Novatech's report to Committee in June provides a comparison of consent policies for municipalities within the United Counties of Leeds Grenville.

[Revised draft amendment option #2](#)

At the September meeting, staff were directed to revise draft amendment option #2 by not requiring a hydrogeological assessment or terrain analysis as part of the amendment. Instead, these requirements are to be clarified through a separate policy. Draft amendment option #2 has been revised to state that a study may be required. The township has already initiated a preconsultation with the Counties for this amendment.

Staff are working with the Hydrogeologist at JP2G to prepare a draft policy for Committee's consideration.

A draft Zoning Bylaw Amendment has also been prepared to implement the reduced lot size requirements in the proposed OPA and to reduce the required lot frontage in the Rural Area for the RU and RLS zones.

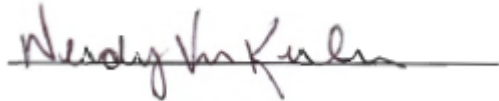
[Next steps](#)

An Open House or Public Meeting can now be scheduled by the Township to receive feedback from the public and interested parties on the proposed Official Plan and Zoning Bylaw amendments. It is noted that the Planning Act does not require an Open House meeting for this amendment, but a Public Meeting will be required before the amendment is passed by Council.

Policy Implications: Please see the attached draft Official Plan Amendment No. 2 prepared by Novatech, which includes policy discussion related to a reduced lot size. The attached draft amendment represents a revised draft amendment #2 as requested by Committee at the September 5th meeting.

Financial Considerations: The Counties will waive application fees for local municipalities for official plan approvals and amendments. Professional fees for the preparation of the amendment and supporting information are expected.

Recommendation: That Committee recommend that Council endorse the attached Official Plan Amendment No. 2 and Zoning Bylaw amendment; and direct staff to proceed with scheduling an Open House meeting to hear comments from the public on the proposed Official Plan Amendment No. 2 and Zoning Bylaw Amendment.

A handwritten signature in dark ink, appearing to read "Nerdy Van Kester", written over a horizontal line.

Community Development Coordinator

Attachments:

- Draft Official Plan Amendment No. 2 prepared by Novatech
- Draft Zoning Bylaw Amendment prepared by Novatech
- Neighbouring municipal policies on requirement for hydrogeological assessment

OFFICIAL PLAN AMENDMENT NO. 2
TO THE OFFICIAL PLAN OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL
(Reduced Minimum Lot Area Requirements)

DRAFT

Prepared By:

NOVATECH

Engineers, Planners & Landscape Architects

Suite 200, 240 Michael Cowpland Drive

Ottawa, Ontario K2M 1P6

tel: (613) 254-9643

fax: (613) 254-5867

File Number: 123068

Date: September 25, 2023

PART A - THE PREAMBLE

1. Title

The title of the Amendment is “Official Plan Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal”, herein referred to as Amendment No. 2.

2. Purpose and Effect

Amendment No. 2 is a Township-initiated Amendment to the Official Plan of the Township of Edwardsburgh Cardinal. The purpose of the Amendment is to revise policies to reduce the minimum lot area requirement from 1.0 hectares to 0.4 hectares throughout the Township.

The effect of the amendment would be to establish a new minimum lot area requirement of 0.4 hectares for new lots created within the Township. The amendment would reduce the minimum lot area requirement for residential properties within the Township where development is to occur on private or partial services.

3. Location

Official Plan Amendment No. 2 is an amendment to text only and will apply to all lands in the Township of Edwardsburgh Cardinal.

4. Basis of the Amendment

The Township’s Official Plan was approved in January 2020 by the United Counties of Leeds and Grenville. When the Township’s Plan was updated in 2020, existing policies with respect to establishing a minimum lot area of 1.0 hectares was maintained from the 2012 Official Plan. The Township’s Official Plan states that “With the exception of the village of Cardinal where there are full municipal water and sewage services, the minimum lot area shall be generally no less than 1.0 hectare.” (Section 7.1.1.1).

As a means to support additional housing opportunities within the Township’s rural area, Township Council has expressed interest to reduce the minimum lot area requirements for residential lots on private or partial services. This Official Plan amendment would establish a minimum lot area standard of 0.4 hectares (1 acre).

The Provincial Policy Statement 2020 (PPS) came into effect on May 1, 2020 following the approval of the Township’s Official Plan in January 2020. The PPS provides a policy framework for regulating development, land uses and growth and development within Ontario. The PPS states that settlement areas shall be the focus of growth and development including rural settlement areas in rural areas (Section 1.1.3.1 and Section 1.1.4.2). The PPS also states that growth and development may be directed to rural lands in accordance with Section 1.1.5 of the PPS (Section 1.1.4.4). The Township of Edwardsburgh Cardinal is comprised of various land uses including a mix urban and rural settlement areas where partial or municipal services exist and vast rural landscapes supporting agricultural, natural and cultural resources and other rural land uses.

Section 1.1.5 of the PPS provides policy for rural lands within municipalities. Section 1.1.5.2 identifies various land uses that may be permitted on rural lands and states that residential development, including lot creation, that is locally appropriate are permitted. Further, it is

policy that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted (Section 1.1.5.4). Section 1.4 of the PPS provides policy direction for housing. Section 1.4.3 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all housing options.

In addition to ensuring development can be sustained by rural services, the PPS also establishes a hierarchy of servicing with full municipal services, within settlement areas, being the preferred form of servicing to support growth, protect the environment and minimize risks to public health and safety (Section 1.6.6.2). In the case of rural lands, Section 1.6.6.4 of the PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

On February 19, 2016, the United Counties of Leeds and Grenville Official Plan was approved by the Minister of Municipal Affairs and Housing. The United Counties Official Plan provides a policy framework for growth and development throughout the Counties to a planning horizon of 2031. Consistent with the policy objectives of the PPS, the Counties Plan directs that settlement areas be the focus of growth including residential development (Section 2.3.1 a)). While recognizing that the United Counties is comprised of urban, rural and agricultural landscapes, Section 3.3 of the Counties Plan provides policy for development on rural lands. Section 3.3.1 e) of the Plan states that one of the objectives of the rural lands are to promote limited development that is compatible with the rural landscape and character and can be sustained by rural service levels, which generally includes individual on-site sewage and individual on-site water services. Further, Section 3.3.2 a) iii. states one of the primary uses of rural lands will be for limited residential development, which will be defined in local municipal Official Plans. Section 3.3.2 a) also states that local municipalities will establish policies in their Official Plans related to rural residential development which may be accommodated on rural lands without compromising the rural character of these lands. With regards to lot creation, the Counties Plan states that lot creation in the rural lands will only be permitted in accordance with policies of the Counties Plan and the local municipal Official Plan (Section 3.3.3 I)). As permitted by the Counties Plan, the Township is proposing to revise lot creation policies of the 2020 Official Plan to establish a minimum lot area of 0.4 hectares.

The Township's Official Plan was approved by the United Counties of Leeds and Grenville on January 23, 2020 which is intended to guide land uses until the year 2031. As noted, the Township is comprised of a mix of land uses including serviced and un-serviced settlement areas, significant industrial areas, aggregate, rural and agricultural lands as well as natural heritage resources. Section 3.1.2 of the Township's Plan states that over the next 20 years development on existing lots and new lots to be created by consent and plan of subdivision shall occur primarily within the limits of the Township's Settlement Policy Area designations. Further, Council has established a target for 60% of new development to occur within the Township's urban and rural settlement areas and 40% in rural areas.

Section 3.4 of the Plan provides goals, objectives and policies for development within the Township's Rural Policy Area. The Plan recognizes that in order to maintain and protect the character and identify of the Township's Rural Policy Area, it is important to avoid inefficient land use patterns such as strip or scattered development to minimize incompatibility between land uses and to minimize adverse environmental impacts. The Plan includes policies aimed

at limiting residential lot creation within the rural area and avoiding inefficient land use patterns. The Township has experienced majority of its residential growth with respect to lot creation and building permit issuance since 2012 to be focused within the Township's rural area, outside of its urban and rural settlement area boundaries.

Section 7.1.1 of the Township's Official Plan establishes general policies that apply to all lot creation whether through the consent or plan of subdivision/condominium process. Section 7.1.1.1 (General Policies) establishes a minimum lot area of 1.0 hectare for lots which do not require full municipal water and sewage services. The Township has identified that the minimum lot area requirement of 1.0 hectare (2.47 acres) is a consent eligibility criterion that often hinders an applicant from proceeding through the formal consent process as their lands are not large enough to be further divided. A minimum lot area of 1.0 hectare requires, among other Official Plan criteria, that a property be a minimum of 2.0 hectares (4.94 acres) in order to be considered eligible for consent.

Through this proposed Official Plan amendment, Section 7.1.1.1 is proposed to be revised to reduce the minimum lot area requirement of 1.0 hectare (2.47 acres) to 0.4 hectares (1 acre). The proposed policy would establish a minimum lot size of 0.4 hectares. Section 7.1.1.1 is also proposed to be revised to address servicing and states that an applicant may be required to demonstrate that where a lot is proposed less than 1.0 hectare that the lot can be adequately serviced through the preparation of a hydrogeological assessment and terrain analysis.

The Province has established two guidelines (D-5-4 & D-5-5) to assist municipalities in determining whether on-site sewage and water services are appropriate for proposed development and are used to implement the PPS to ensure there are no negative effects as a result of a development proposal. In accordance with D-Series Guideline D-5-4, "Where proposed lot sizes are less than one hectare, the proponent and/or the consultant is/are responsible for assessing the potential risk to groundwater". A hydrogeological assessment and terrain analysis is necessary to ensure that private services are appropriate and would not negatively impact the environment and public health, consistent with Provincial requirements. The proposed policy is intended to enhance existing policies to ensure development can be provided with appropriate and adequate services and give the Township the authority to request this study when considered locally appropriate for the review of a consent application.

All other policies with respect to land division will be maintained to limit development within the Township's rural area. Policies related to lot creation within the Township's agricultural areas are not proposed to be amended. It is Council's intent that the proposed lot area reduction will support housing opportunities within the Township.

Other sections of the Official Plan are proposed to be amended to ensure internal consistency and to enhance existing policies with respect to ensuring development can be supported with appropriate servicing.

The proposed amendment is consistent with the applicable policies of the Provincial Policy Statement 2020 and the United Counties of Leeds and Grenville Official Plan, as amended, which permit locally appropriate lot creation policies for the rural area.

In addition to this Township Official Plan amendment, Council is proposing to amend the Township's Zoning By-law to establish a minimum lot area of 0.4 hectares and a minimum lot frontage of 45m for the Rural (RU) zone and Limited Services Residential (RLS) zones. The

purpose of the Zoning By-law amendment is to implement the proposed minimum lot area being established through Official Plan Amendment No. 2.

PART B - THE AMENDMENT

1. Introduction

All of this part of the document entitled **PART B - THE AMENDMENT**, provides text changes that constitute Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal.

2. Details of the Amendment

The Official Plan for the Township of Edwardsburgh Cardinal is hereby amended as follows:

1. That Section 3.4.2 be amended by adding the text 'and can be sustained by rural service levels' to the end of the first sentence.
2. That Section 5.4.7 be amended by replacing the first sentence with the following text:

The determination of site suitability for proposed sewage disposal systems, and the environmental sustainability of development (i.e. long-term protection of groundwater) and a suitable water supply, are important considerations in development (including lot creation) on private and partial services.
3. That Section 5.4.10 be amended by adding the text 'which may be determined by servicing reports' to the end of the first sentence.
4. That Subsection 7.1.1.1 be amended by replacing '1.0 hectare' with '0.4 hectares' in the second and third sentence.
5. That Subsection 7.1.1.1 be amended by adding the text ', servicing requirements' after the word 'topography' in last sentence.
6. That Subsection 7.1.1.1 be amended by adding the following text after the third sentence:

Notwithstanding the minimum lot area of generally 0.4 hectares, where any new lot is proposed to be less than 1.0 hectare and requires partial or private servicing, a hydrogeological assessment and terrain analysis may be required, to demonstrate that the lot can be adequately serviced for the long-term to the satisfaction of the Township.

CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL

BY-LAW No. _____

BEING A BY-LAW TO AMEND ZONING BY-LAW No. 2022-37

**General Amendment to
Comprehensive Zoning By-law No. 2022-37**

WHEREAS By-law No. 2022-37, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2022-37, as amended, as hereinafter set forth;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. Subsection 6.5.1 (Limited Services Residential (RLS) Zone – Zone Provisions) is hereby amended by replacing “*Lot Area (Minimum) 1.0 ha*” with “**Lot Area (Minimum) 0.4 ha**”.
2. Subsection 12.1 (Rural (RU) Zone – Zone Provisions) is hereby amended by replacing “*Lot Area (Minimum) 1 ha*” with “**Lot Area (Minimum) 0.4 ha**” and replacing “*Lot Frontage (Minimum) 70 m*” with “**Lot Frontage (Minimum) 45 m**”.
3. The By-law shall become effective on the date of passing hereof, subject to the provisions of Section 34(21) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this ____ day of _____, 2023.

Read a third time and adopted this ____ day of _____, 2023.

CORPORATE SEAL OF TOWNSHIP

Head of Council

Clerk

TOWNSHIP OF RIDEAU LAKES
PLANNING ADVISORY COMMITTEE

RECOMMENDATION NO. 110-2022
Wednesday, July 13, 2022

Moved By: Marcia Maxwell

Seconded By: Jeff Bards

That the Planning Advisory Committee acknowledges the letter provided by Sky Counsel on behalf of the Big Rideau Lake Association and Upper Rideau Lake Association in regards to the Official Plan Amendments that apply to various lot severances for parcels less than 0.8 hectares.

Further that the Planning Advisory Committee endorses the following process in implementation of Section 5.2.2 a) of the Approved Official Plan Amendment #6 for lots created under 0.8 hectares:

- Step 1a– Licensed well technician either drills a well on proposed severed lands and provides quantity and quality testing results to staff OR uses existing well records, along with reviewing the existing situation of quantity and quality of wells on adjacent properties and provides those quantity and quality testing results to staff. It is anticipated that all quantity and quality testing will follow provincial standards.
- Step 1b – Staff conduct a land use review to determine if there are any known water quality issues (such as in a Wellhead Protection or Intake Protection Zone, or based on lake water quality data from the CA – this reviewed through consult with CA), overall density, or problematic land uses (landfills, contaminated adjacent sites etc., this reviewed through consult with MECP who have provided comments in the past on plumes etc.).
- Step 2 – Staff review 1a results against D-5-5 Guidelines to ensure standards met. Results from 1a and 1b are provided to MECP to consult on whether a full hydrogeological assessment and/or further review is warranted. If MECP will not provide the technical advice/consult in this regard staff consult with the hydrogeologist that we currently have on retainer (WSP, however subject to change).
- Step 3a – Should step 2 result in a recommended full hydrogeological assessment this will be undertaken at the expense of the applicant.
- Step 3b – Should step 2 not result in the recommendation for a full hydrogeological assessment, the policy is considered satisfied (though all other relevant policies still must be met).

Defeated:



Carried:

TOWNSHIP OF AUGUSTA

Moved By: Samantha Schapelhouman

Date: March 28, 2022

Report 2022-021

Seconded By: TANYA HENRY

Resolution No 6

BE IT RESOLVED THAT Council directs that the need for a condition on a severance application, with respect to groundwater assessment on the suitability of the quantity and quality of groundwater to service a new lot to be severed, be considered on a case-by-case basis, rather than be a standard condition of severance approval applicable to all new lot severance applications.

THAT Council directs that under the following circumstances, a groundwater assessment/opinion of acceptable quantity and quality by a qualified hydrogeologist consulting firm is a reasonable condition of severance approval:

- When the lot(s) to be created are less than 0.8 ha (2.0 acres) in lot size (in addition, the soil and terrain and site condition assessment as detailed under Section 3.1.6 of the Official Plan is also required);
- When any new lot(s) development, regardless of lot size is/are located within a designated Settlement Area in the Official Plan, and such assessment shall also include a review and opinion to ensure no negative impacts on area properties/ground water use (in addition, if such lot(s) are less than 0.8 ha (2.0 acres) in lot size, soil and terrain and site condition assessment as detailed under Section 3.1.6 of the Official Plan is also required);
- Where the new lot(s) to be created, regardless of lot size, would result in being more than the fifth (5th) lot within a 5 ha area, to be serviced by groundwater.
- Where the new lot(s) is in an area that raises potential influence in relation to a waste disposal site, or an active quarry operation or in an area that otherwise raises ground water quantity/quality impacts on the proposed severed lot. (Unless the matter can be suitably addressed at a later time, e.g. through another planning process, such as at the time of Site Plan approval as in the case of Commercial or Industrial lot creation).

THAT Council direct that where it is deemed that a groundwater assessment of quantity and quality is not required to support a severance application, that the following note be requested on any Decision of Severance:
Note: The Township of Augusta advises that it is the responsibility of the property owner to ensure an adequate supply and quality of potable water to service the severed lot.

RECORDED VOTE:

| | FOR | AGAINST |
|--------------------------|-----|---------|
| Councillor Bowman | — | — |
| Councillor Henry | — | — |
| Mayor Malanka | — | — |
| Councillor Schapelhouman | — | — |
| Deputy Mayor Shaver | — | — |

CARRIED


Mayor

DEFEATED

Mayor

Declaration of pecuniary interest by: _____

Nature of interest: _____

- ☐ Disclosed His/Her/Their Interest
- ☐ Vacated His/Her/Their Seat
- ☐ Abstained from discussion & did not vote on the question