

File # 2023-02

September 26, 2023

Planning Report – HUGHES, 137 Main Street, Part Lot 15, Concession 14 RP 42-R13092

Introduction – Proposal Description

Applications have been submitted to amend “Rural Area” a Designation of the Municipality of Powassan Official Plan and Zoning By-law 2003-38 to permit the development of a four-plex (four attached residential dwellings under one roof with separate entrances) on the subject property.

The Official Plan amendment will permit a four-plex residential dwelling use on the subject lands where only low-density residential uses (single detached, duplex and semi-detached dwellings) are currently permitted, and to rezone the subject lands from Rural (RU) to Rural Exception - Fifteen (RU-15), in order to permit a ‘four-plex residential dwelling’ as an additional permitted use in the Rural (RU) zone.

Location and Lot Description

The subject lands are known municipally as 137 Main Street, Powassan and are legally described as Part Lot 15, Concession 14, RP 42R-13092, Municipality of Powassan. The location of the subject lands are shown on Figure 1. and Figure 2.

FIGURE 1. GENERAL LOCATION MAP

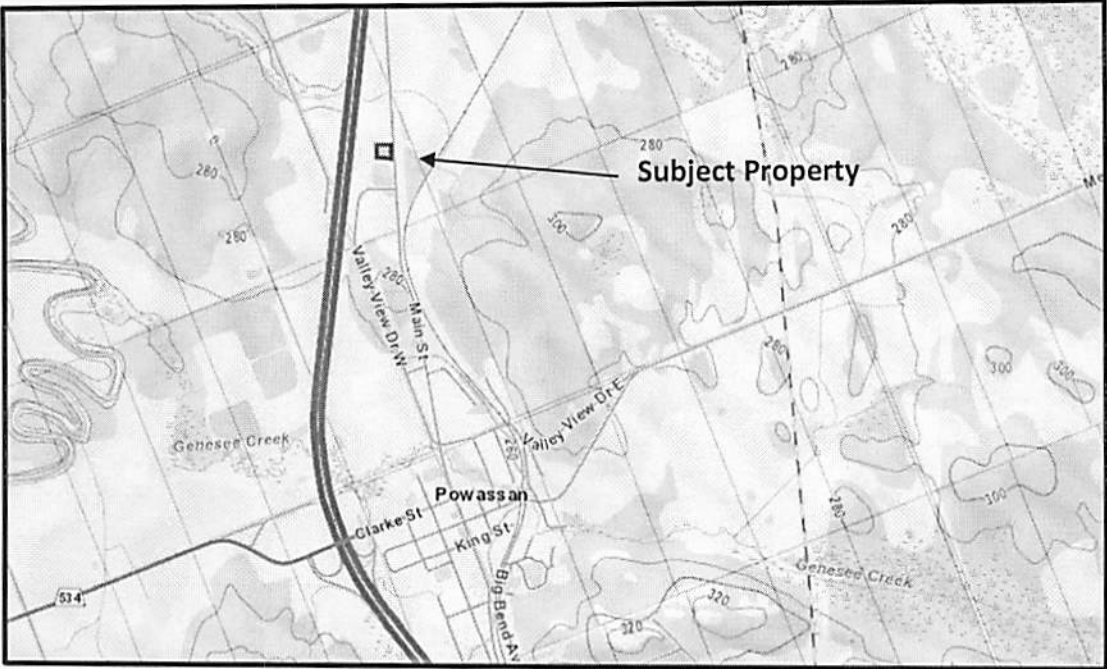
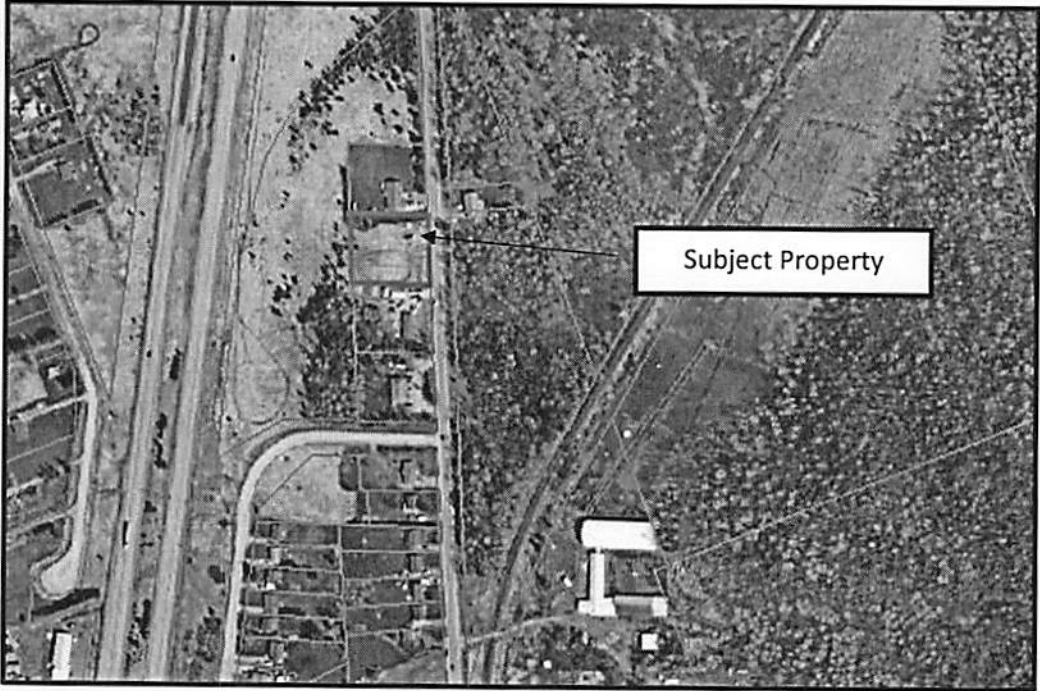


Figure 2. Detailed Aerial Map



Provincial Policy Statement, 2020

The subject lands are located in the Rural Area and on Rural Lands as defined by the Provincial Policy Statement (PPS). Section 1.1.4 Rural Areas, Section 1.2.6 Land Use Compatibility and Section 1.4 Housing are relevant to the proposed application.

The policies of Rural Areas would support residential development that would include a “four-plex.” Permitting the proposed development outside of the rural settlement area is not changing the focus of growth but rather reflective of the abutting land uses, the compatible use of land, and its proximity to the settlement area of Powassan. Further, the Conservation Authority has confirmed the development can be adequately serviced by private sewage services.

Rural Areas in municipalities are specifically supported by the following policies:

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

- c) accommodating an appropriate range and mix of housing in rural settlement areas; and*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands...*

1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- c) residential development, including lot creation, that is locally appropriate.*

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

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 PPS discusses Land Use Compatibility; major facilities would include rail facilities and sensitive land uses would include residences. The subject property is located approximately 100 m from Highway 11 and less than 200 m from the railway line. The subject property and proposed four-plex is surrounded by other existing residential uses and approximately 200 m from the Powassan urban boundary. The existing zoning permits residential uses including duplex and semi-detached dwellings, along with secondary residential uses. Permitting a four-plex use on the subject property is appropriate.

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses

that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

Under the Hosing policies of the PPS, the proposed four-plex would help to meet current housing demands and reflects the vision of the PPS document.

1.4.3 Planning authorities shall provide for 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:

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.*

The proposed amendments have been reviewed against the applicable policies of the PPS and are found to be consistent.

Growth Plan for Northern Ontario, 2011

The Growth Plan for Northern Ontario is a 25-year plan that provides guidance to align provincial decision-making and investment for economic and population growth in Northern Ontario. The proposed amendment is consistent with the applicable policies of the Growth Plan.

Municipality of Powassan Official Plan, October 2003

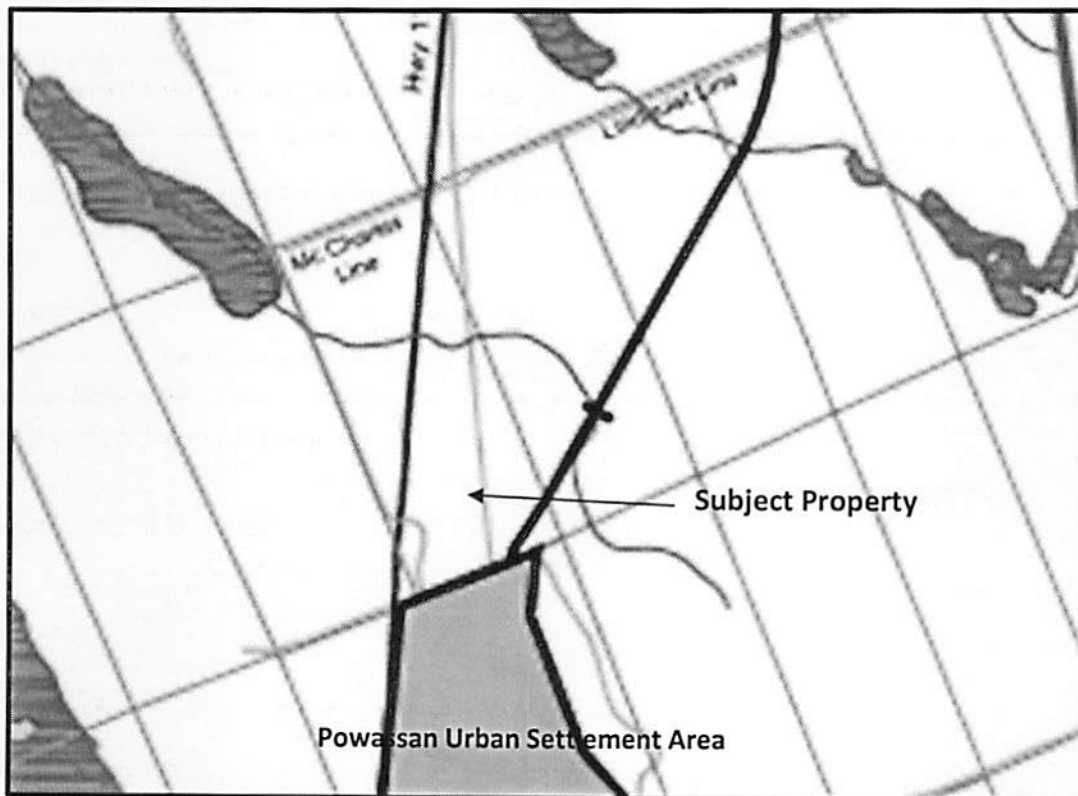
The proposed Amendment #2 to the Official Plan is to permit the development of a four-plex on a “Rural Area” designated property at 137 Main Street in Powassan. A four-plex is characterized as four attached residential dwellings under one roof with four separate entrances.

The subject property is located within the “Rural” designation on Schedule A – Land Use Designations, Figure 3. The Rural designation includes a variety of agricultural, residential, industrial and open space

uses (Section 5.7). The permitted uses in the Rural area include low-density residential uses, tourist establishments, open space, resource management activities and agricultural uses (Section 5.7.1).

A Four-plex is not permitted in the “Rural Area” because it is not a low-density residential use. Low-density residential uses include single detached, semi-detached and duplex dwellings, as is implemented in the Rural (RU) zone of the Zoning By-law. The proposed amendment will permit the four-plex as a permitted use on the subject property.

Figure 3. Official Plan Rural Designation



In addition to directing the density of residential development the Official Plan also includes other applicable policies which include:

Objectives section 3.2:

To encourage the creation of housing, which is affordable, accessible and appropriate to the full range of households in the Municipality.

And Section 3.3:

To direct new residential development primarily to the Urban Service Area, to the extent that it can be accommodated on full municipal services, and secondarily to the Trout Creek Settlement Area.

The proposed four-plex will provide additional housing opportunities for residents and help to address a lack of housing supply. The four-plex housing type also provides opportunities for increased affordability compared to single detached dwellings.

As illustrated in Figure 3, the subject property is located outside the Urban Service Area (Powassan) but is within close proximity to the urban boundary. Section 4.15 applies to Land Use Compatibility and states that:

Whenever a change in land use is proposed, through any application made under the Planning Act, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, Council will only approve the development when it is satisfied that compatibility issues have been adequately addressed.

The abutting lots are used for residential purposes and the neighbouring uses are also primarily residential. The other rural land uses include open fields along Highway 11 and forested area between Main Street and the railway line. There are no compatibility concerns with the proposed four-plex on the subject lands. Compatibility issues and concerns typically arise for industrial and other lands uses that generate noise, dust, odour and vibration and measures must be used to mitigate adverse effects such as increased setbacks, buffers, etc. In the case of the proposed development, the four-plex residential use is not an obnoxious use and is compatible with the neighbouring residential uses.

4.15.7 Development in Proximity to Provincial Highways and Rail Lines

Where the development of a sensitive land use is proposed within proximity to provincial highways and rail lines, compatibility may need to be demonstrated, depending on the type of provincial highway and rail line, and depending on distance.

Where such development is proposed within 100 metres of a limited access freeway or principal main railway line, or within 50 metres of other provincial highways or secondary main railway lines, a noise feasibility study in keeping with the Ministry of Environment's D-Series Guidelines should be prepared by a qualified professional to first determine if mitigative measures can be feasible to bring noise levels down to Ministry of Environment standards at the site of the proposed development. If the feasibility study is not favourable, the development proposal should not proceed. If the feasibility study is favourable, the development proponent should then provide an acoustical study to show how noise levels will be reduced to provincial standards. The recommendations of the acoustical study should be implemented through the planning process.

Where the development of sensitive land uses is proposed at distances between 100 metres and 300 metres of all provincial highways and principal or secondary railway mainlines or principal branch railway lines, a noise study in keeping with the Ministry of Environment's D-Series Guidelines prepared by a qualified professional may be required if noise levels are anticipated to be above provincial standards. The use of the Ministry of Environment's Predictive Noise Model

will assist in determining anticipated noise levels. The recommendations of the noise study, if any, should be implemented through the planning process.

Where development of some sensitive land use in proximity to railway lines within the Powassan Urban Service Area as depicted on Schedule "C" of this Plan, and within the Trout Creek Area as depicted on Schedule "D" of this Plan, the requirement for the production of technical studies referenced in this Section of the Plan may be waived by Council due to historical or site specific development circumstances. Requirements shall not be waived where new institutional sensitive land uses are proposed, such as day care facilities and senior's homes.

As previously mentioned, the subject property is located approximately 100m from Highway 11 and less than 200m from the railway line. The subject property and proposed four-plex is surrounded by other existing residential uses and approximately 200m from the Powassan urban boundary. The existing zoning permits residential uses including duplex and semi-detached dwellings, along with secondary residential uses. Permitting a four-plex use on the subject property is appropriate. On this basis, an assessment of noise impacts is not required.

5.7.4 Agricultural Areas

The protection and enhancement of agricultural areas and lands exhibiting ongoing agricultural activity shall be encouraged. Development shall not be located in areas that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation formulae as developed by the Province will be used. The Zoning By-law will implement the Minimum Distance Separation requirements.

While agricultural operations are within proximity to the subject lands, the MDS requirements would not apply as per OMAFRA Guidelines and the implementing Zoning By-law 2019-19 as current residential development and the existing vacant lot is present. The subject property is also over 200m from any farming operation.

The proposed amendment has been reviewed against the applicable policies of the Official Plan and is found to conform to the overall policy direction.

Zoning By-law 2003-38

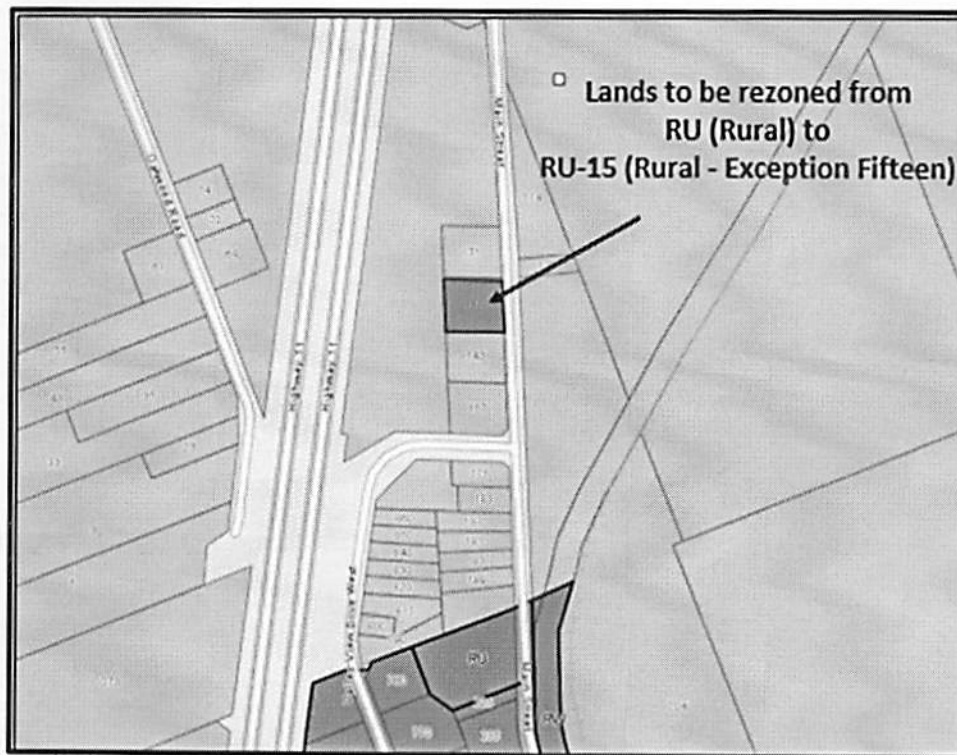
The subject lands are currently zoned Rural (RU) on schedule A Powassan Rural Area. The permitted uses in the Rural (RU) zone are divided into two columns as shown in [Table 1](#). The proposed Zoning By-law Amendment will rezone the existing Rural (RU) to Rural Exception Fifteen (RU-15). The proposed zone change is described in [Figure 4](#).

The applicant proposes to permit a “four-plex” as an additional permitted Column B Use on the subject property. A four-plex is characterized as four residential units under a single roof with 4 separate entrances.

Table 1. Rural Permitted Uses (4.4.1)

Column A Uses	Column B Uses
ii) farm	ii) single detached dwelling
iii) farm produce sales outlet	iii) duplex dwelling
iv) fire hall	iv) semi-detached dwelling
v) hunt camp	v) bed and breakfast
vi) kennel	vi) home occupation
vii) lodge or boarding house	vii) home industry
viii) municipal or provincial offices or works garage	viii) hobby farm
ix) resource management activities	ix) group home
x) riding school or boarding stables	x) public park
xi) an accessory farm dwelling on one lot of at least 30 hectares (75 acres)	xi) veterinary hospital
	xii) observatory

Figure 4. Proposed Zone Change



The subject property is a non-complying undersized lot (less than 1 Ha) but is a building lot in accordance with 3.18.c. The proposed development complies with all of RU zoning restrictive measures including, minimum setbacks, maximum lot coverage and maximum building height. Table 2. illustrates the zoning regulations of the by-law.

The site sketch of the proposed four-plex shows a lot frontage of 61 m; front yard setback of 36.5m; side yard setbacks of 17.7 m and 21 m; a rear yard setback of 32.5 m; the building is approximately 246 square metres and less than 6% lot coverage; and a max height of 8.8 m (ridge height).

Additionally, Zoning By-law provisions under Section 3.21, set out the standards for required parking. Residential use sets a minimum of 2 parking spaces per dwelling, the proposed use on the subject property provides ample space for a minimum of 8 parking spaces as depicted in the applicants site sketch.

Table 2. (4.4.2)

Regulations	Column B Uses
i) Minimum Lot Area	1.0 ha
ii) Minimum Lot Frontage	50 m
iii) Minimum Front Yard	30.0 m
iv) Minimum Interior Side Yard	15.0 m
v) Minimum Exterior Side Yard	15.0 m
vi) Minimum Rear Yard	15.0 m
vii) Maximum Lot Coverage	25%
viii) Maximum Height	10.5 m
ix) No kennel shall be located within 120 metres (400 ft) of a residential dwelling on another lot.	

Recommendation

The proposed Official Plan Amendment # 2 is consistent with the PPS and Northern Ontario Growth Plan and the policies of the Municipality of Powassan Official Plan. The Zoning By-Law amendment is consistent with the PPS, conforms to the Official Plan and will implement the permitted use of a four-plex on the subject property.

Respectfully Submitted,

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