

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2016-007

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**Date:** February 10, 2016

**Time:** 1:00 p.m.

**Place:** Council Chamber

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**Ward Community Identifier:** Ward 6 - Fenelon

**Subject:** An application to amend the Township of Fenelon Zoning By-law to rezone a portion of the land from Environmental Protection (EP) Zone to Agricultural Exception Nineteen (A1-19) Zone on a vacant lot described as Part of Lot 21, Conc. 7, geographic Township of Fenelon, City of Kawartha Lakes, 896 Country Lane (MITOV - File D06-15-021).

**Author/Title:** Ian Walker, Planner II

**Signature:** 

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### Recommendations:

**RESOLVED THAT** Report PLAN2016-007, respecting "MITOV – Application D06-15-021", be received;

**THAT** a Zoning By-law Amendment respecting application D06-15-021, substantially in the form attached as Appendix 'E' to Report PLAN2016-007, be approved and adopted by Council; and

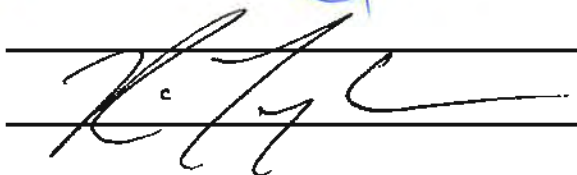
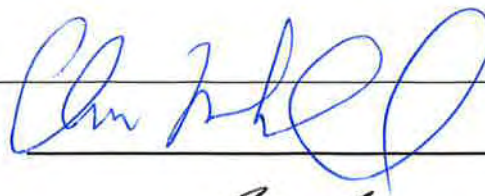
**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



## Background:

The statutory public meeting was held by the Planning Committee on December 2, 2015 and the following resolution was passed:

***Moved by Mayor Letham, seconded by Councillor Yeo,***

**RECOMMEND THAT** Report PLAN2015-098, respecting **MITOV -**

**Application D06-15-021**, be received; and

**THAT** the application respecting Application D06-15-021 be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

**CARRIED PC2015-062**

This report addresses that direction.

The proposal is to facilitate the construction of a new detached dwelling on an existing lot of record. The applicant proposes to rezone an approximately 0.9 ha. portion of the vacant lot to allow the detached dwelling. Approximately 5 ha. of the southeast corner of the property is zoned Agricultural (A1) Zone, but does not have access to an improved public street. As such, the owners are seeking to permit the use at an alternate site on the lot.

Owners:	Valeri and Roumiana Mitov	
Applicant:	EcoVue Consulting Services Inc., Kent Randall	
Legal Description:	Part of Lot 21, Conc. 7, geographic Township of Fenelon	
Designation:	Prime Agricultural and Environmental Protection, City of Kawartha Lakes Official Plan	
Zone:	Agricultural (A1) Zone and Environmental Protection (EP) Zone on Schedule 'A', Township of Fenelon Zoning By-law No. 12-95	
Lot Area:	43 ha. [100.0 ac. – MPAC]	
Site Servicing:	Unserviced	
Existing Uses:	Vacant Land	
Adjacent Uses:	North, East:	Forest/Wetland, Agricultural
	South:	Forest/Wetland
	West:	Country Lane, Forest/Wetland

## **Rationale:**

On January 26, 2016, the applicant submitted a revised sketch, prepared by EcoVue Consulting Services Inc. The revised sketch proposes to rezone only the portion of the lot for a proposed detached dwelling and accessory uses. The original sketch included two (2) additional portions of the lot to be rezoned. The subject lot is located on the east side of Country Lane, northeast of Cameron. The subject land is approximately 43 ha., and the area of land proposed to be zoned to permit the development is approximately 0.9 ha. The proposed development will be serviced by a private individual well and septic system, see Appendix "B" attached.

While the Prime Agricultural designation in the Official Plan (OP) permits single detached dwellings, the portion of the lot identified for the proposed residential use is zoned Environmental Protection (EP) Zone, which does not permit residential uses. A Zoning By-law amendment is necessary to permit the use on this portion of the lot.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2006:**

This application conforms to the Growth Plan (GP). Section 2.2.9.2 allows that development may be permitted in rural areas in accordance with Section 2.2.2.1(i), which directs development to settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This is an existing lot of record in the rural area, which cannot be located in a settlement area.

The proposed use is a detached dwelling, therefore, this application does not conflict with the GP.

### **Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5.2 provides that in rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses. Section 1.1.5.4 provides that development that is compatible with the rural landscape, and can be sustained by rural service levels should be promoted. Section 1.1.5.7 provides that agricultural and other resource-related uses should be promoted and protected, and non-related development should be directed to areas where it will minimize constraints on these uses.

A Scoped Environmental Impact Study (EIS), prepared by Snider's Ecological Services (June 2015) has been submitted. This report has been reviewed by Kawartha Region Conservation Authority (KRCA) in accordance with the PPS and the City's Official Plan. Section 2.1.8 of the PPS prohibits development and site alteration on adjacent lands to the natural heritage features identified in

Sections 2.1.4 through 2.1.6, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The EIS has confirmed no negative impacts for the proposed 0.9 ha. portion of the lot to be rezoned to permit a detached dwelling. As the EIS did not fully evaluate the other two proposed areas outside of the PSW, the applicant has revised the application to remove two (2) of the three (3) areas from the application.

On this basis, the application conforms to the policies of the PPS.

### **Official Plan Conformity:**

The lot is designated Prime Agricultural and Environmental Protection in the City's Official Plan (OP). Section 15.1 of the Official Plan provides that agricultural land that is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. The establishment of a residential area outside of the Provincially Significant Wetland (PSW) protects the potential for agricultural use on the southeastern portion of the property.

Section 17.3.5 of the OP states "Where detailed flood plain or wetland mapping exists or becomes available, the boundaries of the Environmental Protection designation may be interpreted as corresponding to the limits of the flood plain or wetland.". On this basis, the boundary of the Environmental Protection designation mirrors the boundary of the PSW. Section 17.3.4 of the OP provides if it is found through an evaluation that the boundary is in error and the land is not subject to flooding or other physical hazard, then an alternate use permitted in the abutting land use designation may be considered and the land appropriately zoned.

This application proposes no change to the existing agricultural land uses or to the area designated Environmental Protection.

Therefore, this application conforms to the policies of the OP.

### **Zoning By-Law Compliance:**

The lot is zoned Agricultural (A1) Zone and Environmental Protection (EP) Zone in the Township of Fenelon Zoning By-law. The portion of the lot identified to be rezoned is zoned EP and residential uses are not permitted. The applicant has submitted an EIS, which confirms that the proposed residential use will not negatively impact the natural heritage features and functions which are protected by the EP Zone.

The minimum lot area required for the Agricultural (A1) Zone is 25 ha. The portion of the property to be rezoned is approximately 0.9 ha. Section 3.13 of the By-law provides that when a lot is located within two or more zones, the provisions of the applicable zone apply to each portion of the lot, save and except lot frontage and lot area. The applicant proposes a site specific Agricultural Exception (A1-\*\*) Zone to permit a detached dwelling.

As noted above, the EIS has been submitted and reviewed by KRCA, in accordance with the Natural Heritage and Hazard policies of the PPS. The EIS has delineated the wetland boundaries and other natural heritage features, based on field verification, and recommends that the rezoning of the area from the EP Zone to an A1 Zone for a detached dwelling will not result in a negative impact to the natural features. The application complies with all other relevant provisions of the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Considerations:**

There are no financial considerations unless council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To Strategy Map:**

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment.

This application aligns with all three (3) priorities: it attracts new residents, provides recreational opportunities, and provides for balanced and healthy natural systems.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

### **Servicing Comments:**

The lot is unserviced. The proposed single detached dwelling will be serviced by a private sanitary sewage disposal system and individual well. In accordance with Section 1.6.6.4 of the PPS, individual services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impact.

## **Consultations:**

Notice of this application was circulated to landowners within a 500 metre radius, plan-review agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

### Agency Review Comments:

The Building Division stated on November 9, 2015 that it has no concerns with respect to the application.

The Engineering Division stated on November 23, 2015 that it has no comments or concerns with respect to the application.

The Public Works – Water and Wastewater Division stated on November 24, 2015 that it has no comments with respect to the application.

The Ministry of Natural Resources and Forestry (MNR) stated on November 24, 2015 that a site-specific update had been completed to the Cameron Lake No. 6 Provincially Significant Wetland (PSW) Complex, and provided a copy of the updated wetland mapping.

Hiawatha First Nation stated on November 25, 2015 that it has no concerns with respect to the application, but has requested to be notified if any further developments occur.

Kawartha Region Conservation Authority stated on January 18, 2016 that the scoped Environmental Impact Study (EIS) has addressed any concerns relating to the proposed building site, but has not adequately evaluated the natural heritage impacts on the two sites to the north of the proposed building site.

The Building Division stated on January 26, 2016 that it has no objection to this application, as the proposed on-site sewage disposal system has been accommodated within the proposed rezoning envelope.

## **Development Services – Planning Division Comments:**

The appropriate background studies in support of the zoning by-law amendment application have been submitted and support the proposed change of land use. The application conforms to the Growth Plan and is consistent with the 2014 Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The rezoning will ensure the subject land complies with the Zoning By-law. All other zoning provisions within the Agricultural Zone will be maintained.

## **Conclusion:**

The application conforms to the provincial policies concerning rural lands. The application also conforms to the Prime Agricultural designation and policies of the City's Official Plan. Staff support the application based on the information

contained in this report and the comments received as of January 25, 2015.  
Staff respectfully recommends that the application be referred to Council for  
APPROVAL.

## **Attachments:**

### **Appendix 'A' – Location Map**



PLAN2016-007  
Appendix A.pdf

### **Appendix 'B' – Revised Sketch for Zoning Amendment – dated January 26, 2016**



PLAN2016-007  
Appendix B.pdf

### **Appendix 'C' – Aerial Photo**



PLAN2016-007  
Appendix C.pdf

### **Appendix 'D' – MNRF Revised PSW Mapping – dated September 14, 2015**



PLAN2016-007  
Appendix D.pdf

### **Appendix 'E' – Draft Zoning By-law Amendment**



PLAN2016-007  
Appendix E.pdf

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<b>Phone:</b>	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
<b>E-Mail:</b>	<a href="mailto:iwalker@city.kawarthalakes.on.ca">iwalker@city.kawarthalakes.on.ca</a>
<b>Department Head:</b>	Chris Marshall, Director
<b>Department File:</b>	D06-15-021

# Geographic Township of Fenelon

APPENDIX " A "

to

REPORT PLAN2016-007

FILE NO. DDG-15-021

**Bear Rd**

**Country Lane**

**Lot 22**

**SUBJECT  
LAND**

**Lot 21**

**Highway 35**

(unopened road allowance)

**#837**

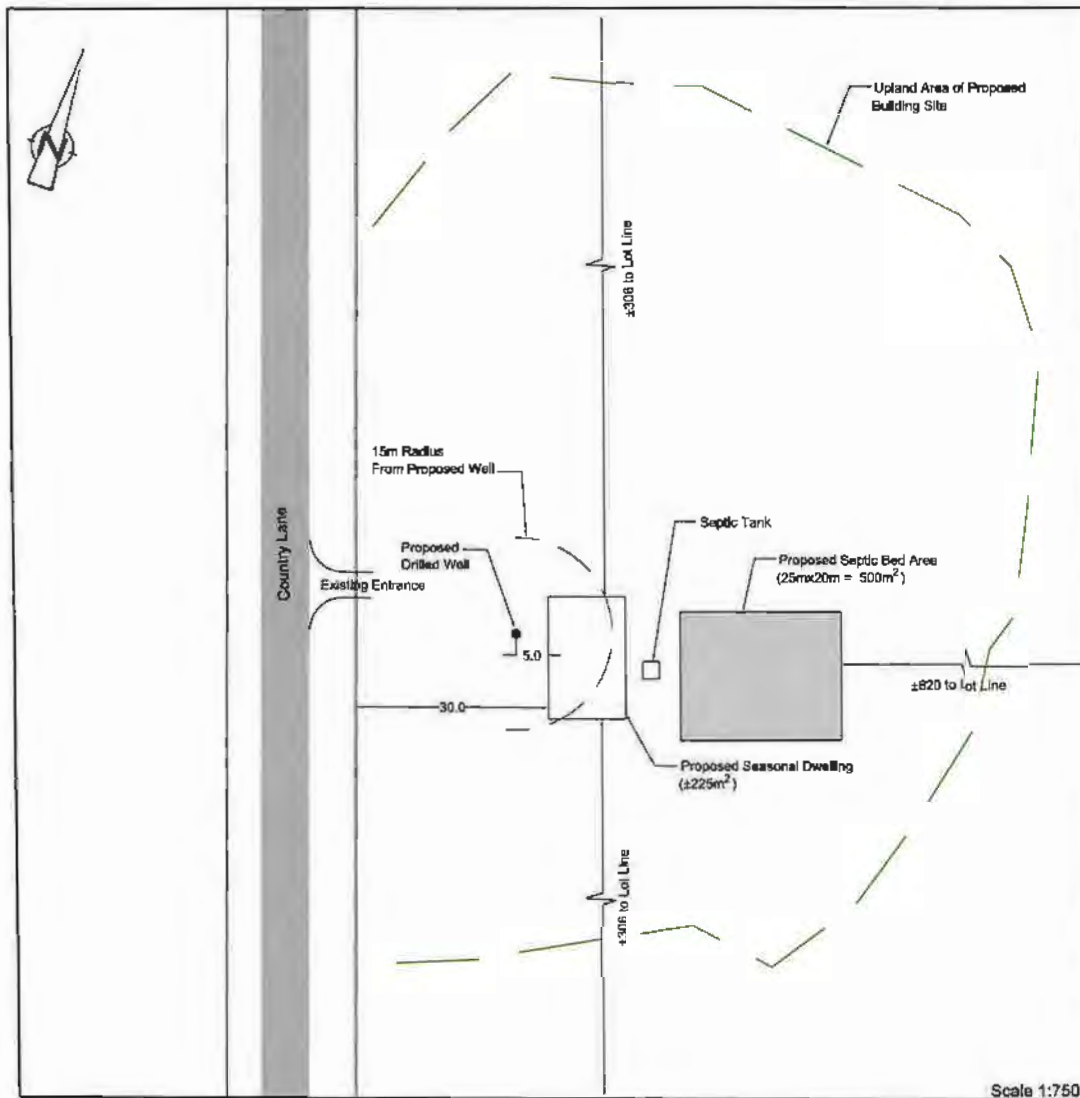
**Lot 20**

**#796**

**Con. 6**

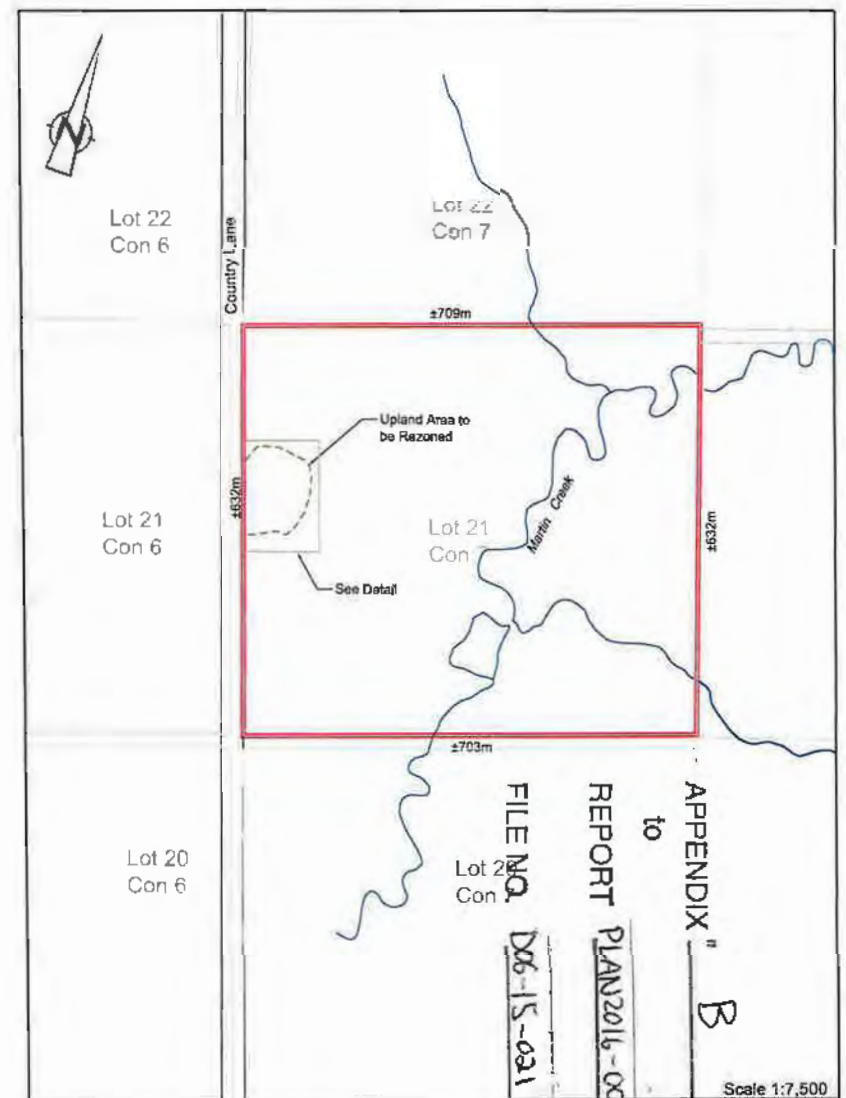
**Concession 7**





Detail

Scale 1:750



APPENDIX B


to

REPORT PLAN 2016-007

FILE NO. D06-15-021

Lot 21 Con

Scale 1:7,500

 <p>ECOVUE Consulting Services Inc. 311 George St. N., Suite 200 Peterborough, Ontario, M9L 2A8 T: 705-426-4343 Fax: 705-243-8845</p>	DRAWN BY:	PM	PROJECT NO:	15-1501
	CHECKED BY:	KR	HORIZ. SCALE:	as shown
	DATE:	Jan 26 2016	FIGURE NO:	2
	<p>Valeri Mitov Property Part Lot 21 Concession 7 Feneelon Township Conceptual Plan / Zoning Sketch</p>			

## Country Lane, geographic Township of Fenelon



### Legend

- Road Centreline
- Property ROLL#
- Lots and Concessions
- Citations

APPENDIX "C"  
to  
REPORT PLAN 2016-007  
FILE NO. D06-15-001

### Notes

0.61

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES



Old Boundary



New Boundary - September 14, 2015



**Lots & Concessions**  
**Wetlands - Evaluated**  
**Wetland Significance**  
 Provincial (PSW)  
 Other (Non-PSW)  
 Unevaluated Wetlands

2013 Air Photo

Ontario Ministry of Natural Resources and Forestry - Peterborough District

### Wetland Change Map

Cameron Lake No. 6

City of Kawartha Lakes - Fenelon Geographic Township

**Notes:**  
 Produced by Ministry of Natural Resources and Forestry,  
 Southern Regional Operations Division - Peterborough District  
 Map Projection: UTM Zone 17, NAD 83

This map should not be relied on as a precise  
 indicator of routes or locations, nor as a guide  
 to navigation. The Ontario Ministry of Natural  
 Resources and Forestry (MNRF) shall not be  
 liable in any way for the use of, or reliance  
 upon, this map or any information on this map.

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Produced  
 September 24, 2015



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 précisément les voies et les lieux, ne doit servir  
 comme guide à la navigation. Le Ministère des  
 Richesses naturelles et des Forêts de l'Ontario (MNRF)  
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 soit (relativement à l'utilisation de cette carte  
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APPENDIX **D**  
 to  
 REPORT **PLAN 2016-007**  
 FILE NO. **D06-15-021**



# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## BY-LAW 2016 -

### A BY-LAW TO AMEND THE TOWNSHIP OF FENELON ZONING BY-LAW NO. 12-95 TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES

[File D06-15-021, Report PLAN2016-007, respecting Part of Lot 21, Concession 7, geographic Township of Fenelon, identified as 896 Country Lane – MITOV.]

APPENDIX " E "  
to

REPORT PLAN2016-007

FILE NO. D06-15-021

#### **Recitals:**

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the construction of a new detached dwelling on a portion of the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-\_\_.**

#### Section 1:00 Zoning Details

**Property Affected:** The Property affected by this by-law is described as Part of Lot 21, Concession 7, geographic Township of Fenelon, City of Kawartha Lakes.

- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Section 8.3:

#### 8.3.19 AGRICULTURAL EXCEPTION NINETEEN (A1-19) ZONE

Notwithstanding the permitted uses in Subsection 8.1.1, on land zoned "A1-19", the only permitted use shall be a single detached dwelling and accessory uses.

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the Environmental Protection (EP) Zone to the Agricultural Exception Nineteen (A1-19) Zone for the land referred to as 'A1-19', as shown on Schedule 'A' attached to this By-law.

#### Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2016.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## Geographic Township of Fenelon

Lot 22

Bear Rd

Country Lane

A1-19

Lot 21

(unopened road allowance)

Lot 20

Con. 6

Concession 7