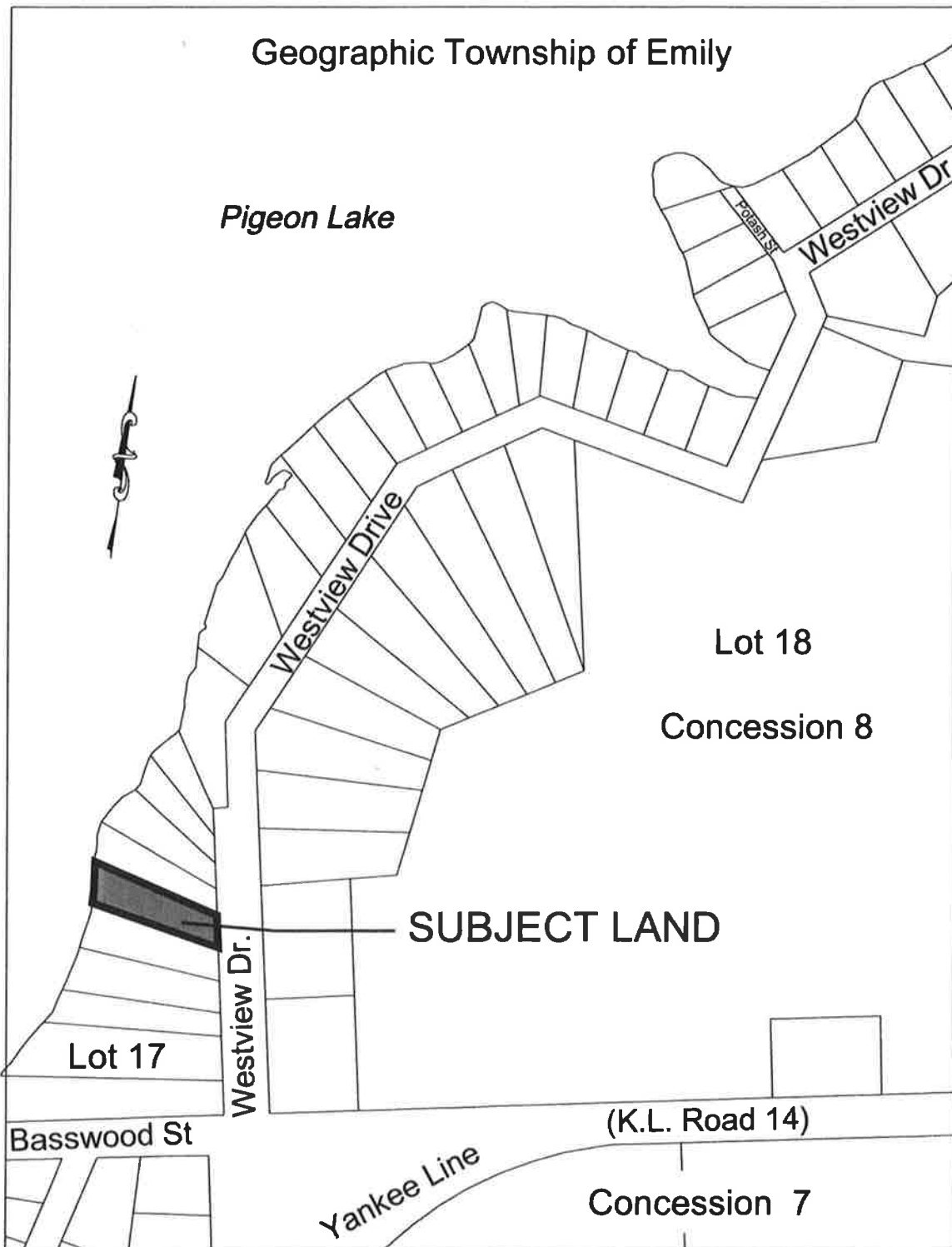


to

REPORT COA2018-015

FILE NO: D20-2018-012



to

REPORT COA2018-015

FILE NO: D20-2018-012



25 Westview Dr., Geographic Twp. of Emily



0.15 Kilometers

WG8_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



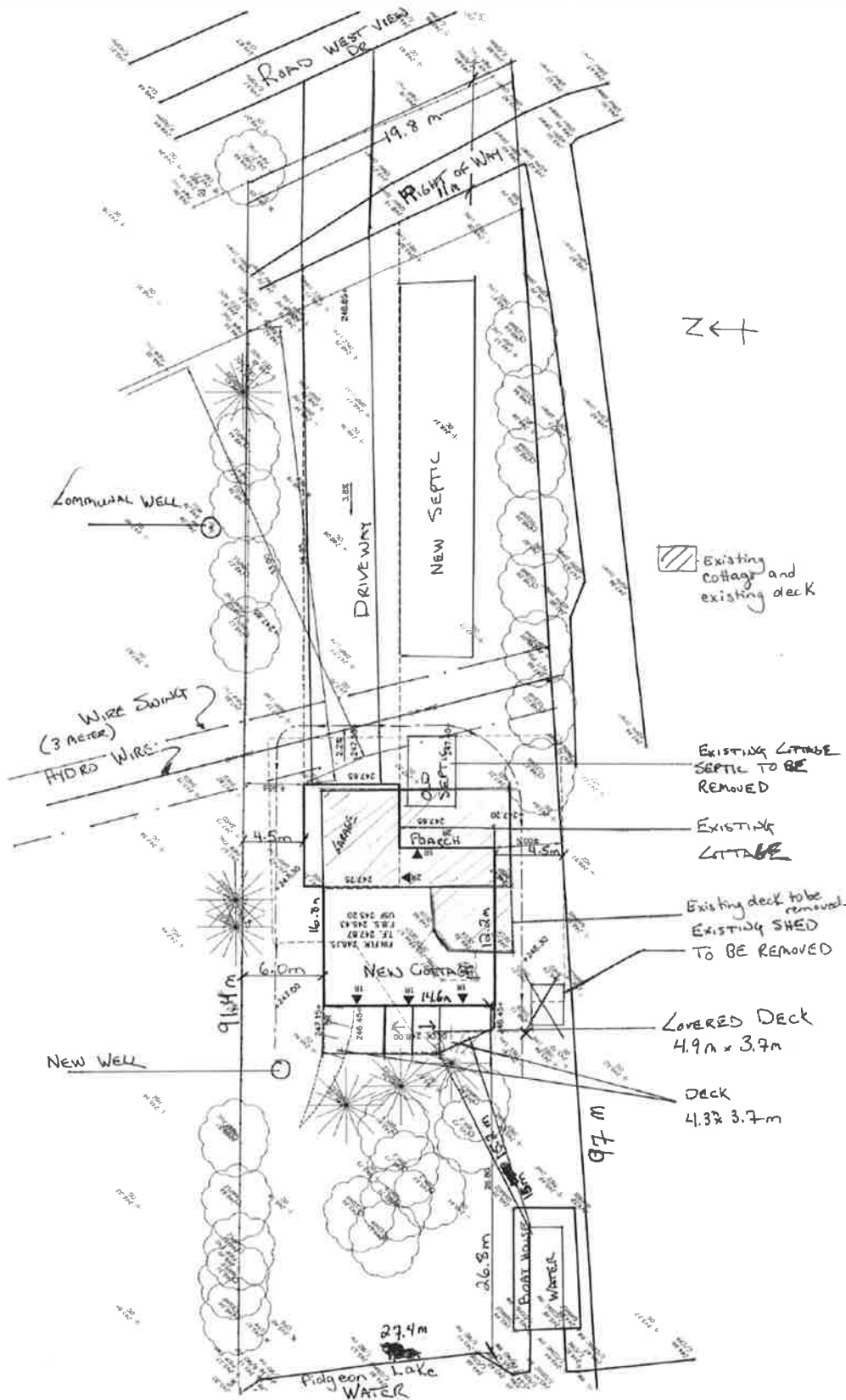
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "

to

REPORT COA2018-015

FILE NO: D20-2018-012

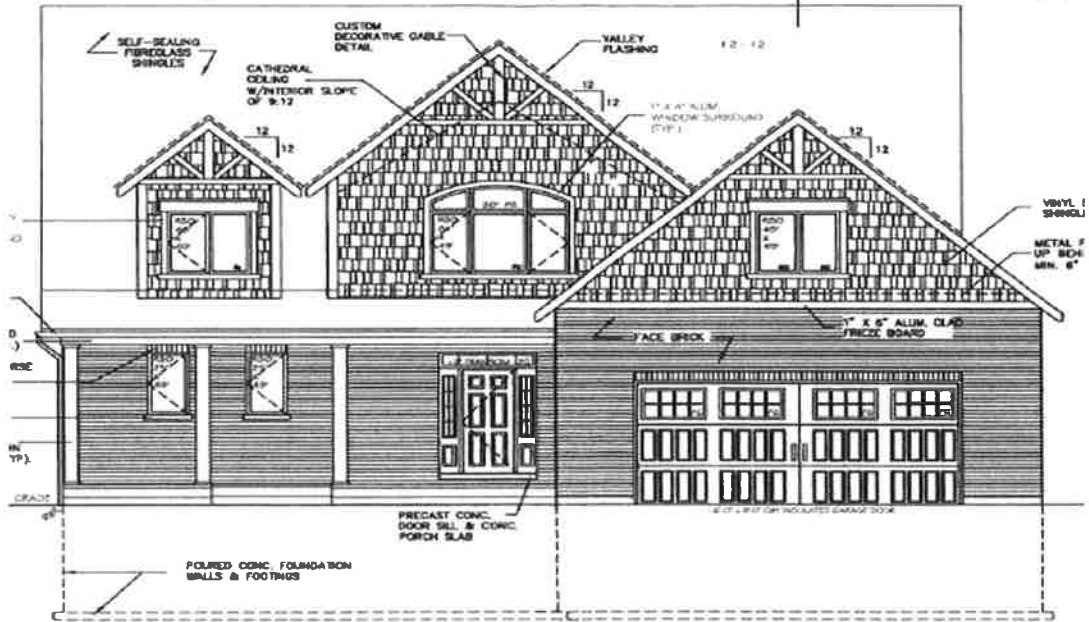


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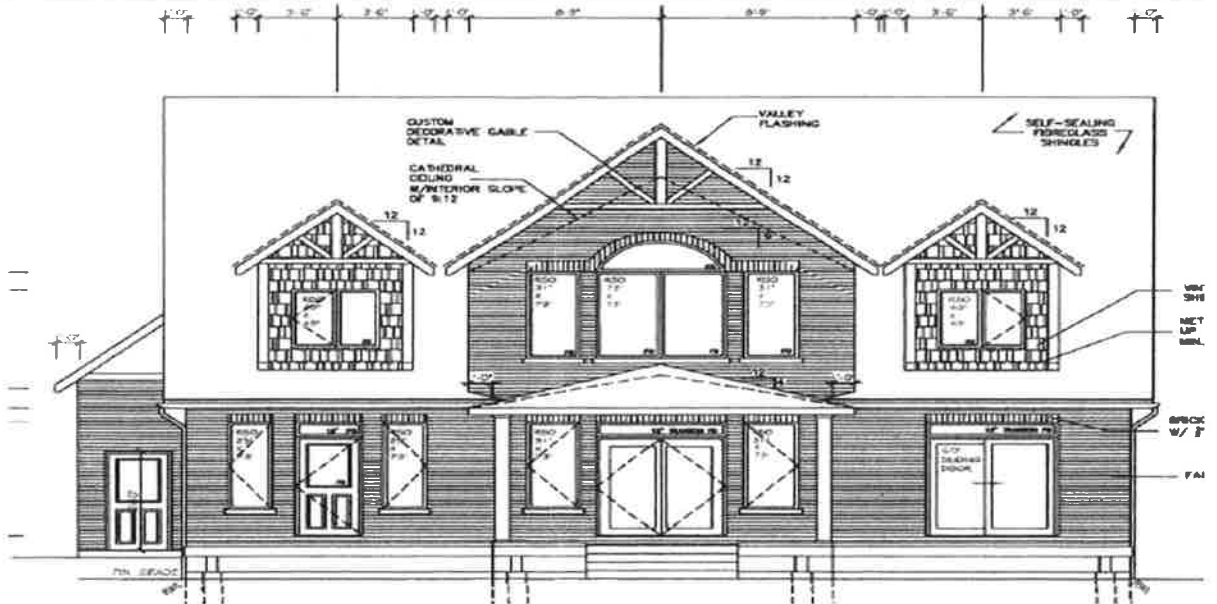
REPORT COA2018-015

FILE NO: D20-2018-012

Front Elevation (East Direction)



Rear Elevation (West Direction)

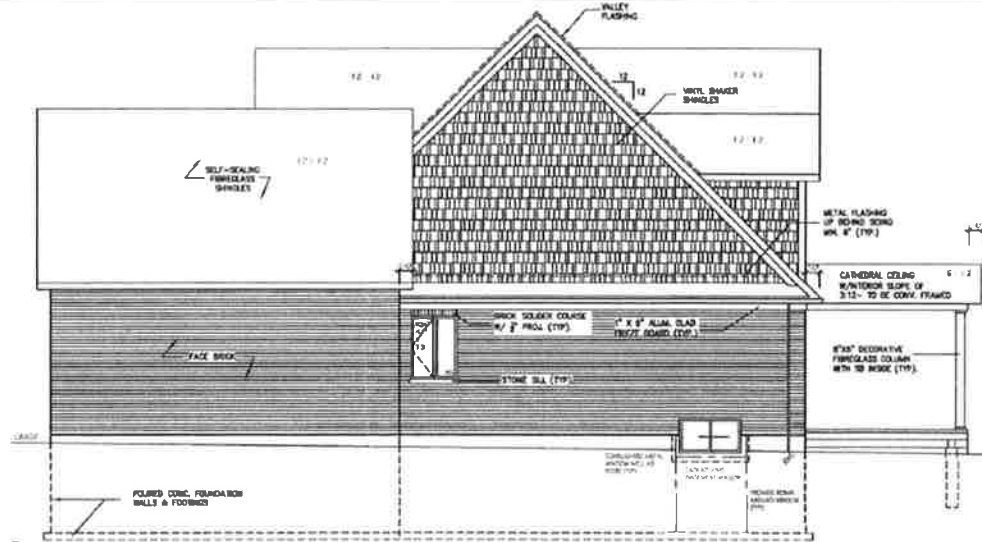


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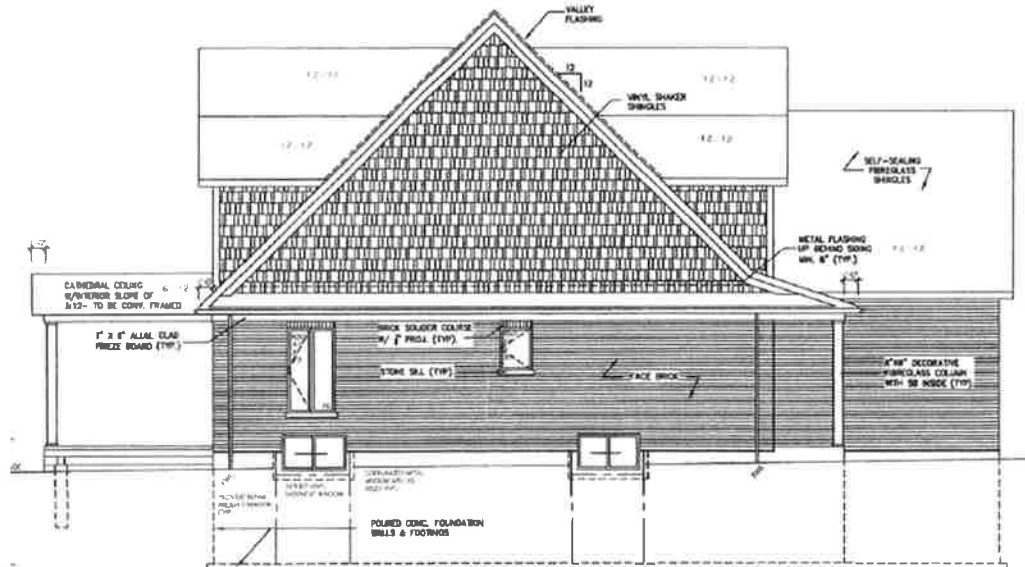
REPORT COA2018-015

FILE NO: D20-2018-012

Left Elevation (South Direction)



Right Elevation (North Direction)



to

REPORT COA2018-015**Quadri Adebayo**

FILE NO. D20-2018-012

From: Derryk Wolven
Sent: Wednesday, February 28, 2018 3:27 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division ahs the following comments:

D20-2018-012 Provide confirmation from Hydro1 that 3m sway allowance is acceptable as their literature indicates 4.8m setback.

D20-2018-009 No concerns

D20-2018-011 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



**KAWARTHA
CONSERVATION**
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BY EMAIL

Charlotte Crockford-Toomey
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Minor Variance Application D20-2018-012
25 Westview Drive
Lot 17, Concession 8 (Emily)
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

Kawartha Conservation staff have now completed our review of the above noted application to construct a single detached dwelling on an existing lot, by reducing the water setback from 30m to 15m and interior side yard setback from 5.5m to 4.5m on both sides.

Ontario Regulation 182/06

The subject property fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the flooding and erosion hazard associated with this waterbody, plus an additional setback of 15 metres from the limit of the greatest hazard. Staff note that flooding hazard associated with Pigeon Lake is 246.9 metres above sea level and that the existing cottage on the property is partially within the floodplain associated with this waterbody. As such, any development (or redevelopment) on site requires a Permit pursuant to Ontario Regulation 182/06 prior to site alteration.

The proposal is to demolish the existing cottage and build a new cottage on the property that has more than double the gross floor area, and is further into the floodplain than the existing development is at its closest point.

Pursuant to Policy 4.5.2(8) it states;

“Replacement of residential dwellings within a flooding hazard that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policies 4.5.2(3), 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the flooding hazard, where feasible.”

Staff do not have a record of a preconsultation with the proponents, and as such, do not have justification as to why an encroachment further into the floodplain should be considered. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. Staff have attached the relevant policies applicable to this application as Appendix A to this letter. While there are numerous criteria to be met, some key items that the proponent would have to address include:

- i) The floodplain is to be plotted on the topographic survey by an Ontario Land Surveyor
- ii) Justification must be provided that shows there no feasible alternative site outside the flooding hazard to build the cottage;

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



- iii) A qualified professional is to be retained to complete a balanced cut and fill analysis to reduce the risk of flooding and property damage onsite or adjacent, and to ensure that there will be no adverse hydraulic or fluvial impacts on *lakes, rivers, creeks, streams or watercourses*,

City of Kawartha Lakes MOU

The following comments are provided as recommendations under our Memorandum of Understanding (MOU) with the City of Kawartha Lakes.

Fish Habitat

Pigeon Lake is considered fish habitat. Policy 2.1.8 of Provincial Policy Statement states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation’s mapping, the existing cottage meets the 30 metre setback, whereas the requested minor variance proposes an encroachment of 15 metres into the fish habitat buffer.

Based on MNRF’s direction, in cases where a site specific technical report (eg. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable.

Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

Summary

Based on our review of the above information, staff can advise **it would be premature at this time for Kawartha Conservation to support this minor variance application** without justification as to why the development should be considered further into a known hazardous area; and staff recommend to the City of Kawartha Lakes that the minor variance be supported with an approach to address encroachment into fish habitat.

I trust this meets your information requirements at this time. Should you require any additional information, please do not hesitate to contact this office.

Yours truly,



Katie Jane Harris, Resources Planner
Encl. Appendix A

APPENDIX A

4.5.1.3 DEFINING THE REGULATED AREA ASSOCIATED WITH UNSTABLE SOIL OR BEDROCK

Unstable soil includes but is not limited to areas identified as containing organic soils. These soils are customarily found in association with *wetlands*. Organic and peat soils, formed by the decomposition of vegetative and organic materials into humus can release humic acids to the ground water system and create highly combustible methane gas. Peat and other organic soils also lack soil structure making them susceptible to erosion and unable to support structure because they compress easily.

Unstable bedrock includes but is not limited to areas identified as containing *karst* formations. *Karst* formations may be present in limestone or dolomite bedrock, but are predominantly found in portions of eastern Ontario and Wellington County (Guelph-Elora). They are extremely variable in nature and are best identified through local, site-specific studies.

The *regulated area* associated with unstable soil or bedrock includes the maximum extent of the unstable soil or bedrock.

Any development on unstable soil or unstable bedrock requires permission from KRCA.

4.5.2 SPECIFIC POLICIES TO PROHIBIT OR REGULATE DEVELOPMENT – FLOODING HAZARDS

The policies in this section are to be applied in conjunction with the General Policies in Section 4.3.

New Residential Development

4.5.2(1) New multiple residential development will not be permitted within a flooding hazard, regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).

4.5.2(2) On an existing lot of record where the current* zoning is appropriate to the nature of the proposed development, single residential development may be permitted within a flooding hazard provided it can be demonstrated that:

- **there is no feasible alternative site outside of the flooding hazard;**
- **the site is not subject to frequent flooding OR a subwatershed study or other comprehensive plan has confirmed that flooding has been artificially created as a result of undersized infrastructure such as culverts and bridges (i.e., a backwater area);**
- **the dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the regulatory flood elevation in accordance with floodproofing standards outlined in Appendix L – Floodproofing Guidelines;**
- **no basement is proposed;**
- **any new accessory building or structure can satisfy all of the conditions of Policy 4.5.2(24);**
- **any new and/or replacement sewage treatment system will be located outside of the flooding hazard OR where this is not feasible, can satisfy all of the conditions of Policy 4.5.2(37); access (ingress/egress) conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than safe;**

4.5.2(5) An additional storey (or extension thereof) on existing residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that the number of *dwelling units* is the same or less and access (*ingress/egress*) conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe*.

4.5.2(6) Crawlspace associated with existing residential *development* located within a *flooding hazard* may be permitted provided it can be demonstrated that it will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards outlined in Appendix L – Floodproofing Guidelines.

Residential Replacement

4.5.2(7) Replacement of residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that:

- the dwelling to be replaced is relocated outside the *flooding hazard*, where feasible;
- there is no increase in the number of *dwelling units*;
- the new dwelling is the same size or smaller than the previous dwelling;
- the use of the new dwelling is the same as the previous dwelling;
- the dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards identified in Appendix L – Floodproofing Guidelines;
- access (*ingress/egress*) conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe*;
- no basement is proposed; and,
- there is no risk of structural failure due to potential hydrostatic/dynamic pressures.

4.5.2(8) Replacement of residential dwellings within a *flooding hazard* that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policies 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the *flooding hazard*, where feasible.

Residential Relocation

4.5.2(9) Relocation of existing residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that the dwelling is relocated outside of the *flooding hazard*, or where this is not feasible, the dwelling is relocated to an area within the existing lot where the risk of flooding and property damage is reduced to the greatest extent possible, and that the dwelling is floodproofed to an elevation of 0.3 metre above the *regulatory flood* in accordance with floodproofing standards identified in Appendix L – Floodproofing Guidelines.