

# **The Corporation of the City of Kawartha Lakes**

## **Special Planning Advisory Committee Report**

**Report Number PLAN2018-003**

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**Date:** March 28, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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**Ward Community Identifier: Ward 13 - Verulam**

**Subject:** An application to amend the Township of Verulam Zoning By-law to change the zone category to facilitate the creation of five (5) new residential lots for the property identified as Vacant Land on Rehill Drive, Verulam (Gurr)

**Author and Title: Ian Walker, Planning Officer – Large Developments**

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-003, respecting **Concession 3 Part of Lot 4, Geographic Township of Verulam, “Gurr – Application D06-17-021”**, be received;

**THAT** the zoning by-law amendment respecting application D06-17-021, substantially in the form attached as Appendix ‘D’ to Report PLAN2018-003, be approved and adopted by Council;

**THAT** in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The statutory public meeting was held by the Planning Advisory Committee on August 16, 2017 and following resolution was passed:

### **PC2017-037**

**Moved By** Councillor Miller

**Seconded By** Councillor Veale

**RECOMMEND THAT** Report PLAN2017-051, respecting **Concession 3 Part of Lot 4, Geographic Township of Verulam, Gurr – Application D06-17-021**, be received; and

**THAT** Report PLAN2017-051 respecting Application D06-17-021 be referred back to staff to address any issues raised through the public consultation process and 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**

This report addresses that direction.

The applicant submitted an application to change the zone category to facilitate the severance of five (5) residential lots within the “Hamlet Settlement Area” designation; and to retain the remainder of the lot as a rural residential lot. The retained lot is partially within the “Hamlet Settlement Area” designation, with the remainder in the Rural and Environmental Protection designations. The public meeting was held on August 16, 2017. Based on the discussion at the public meeting and follow up discussion with the applicant, the application has been amended such that the proposed retained lot will be zoned as an “A1 Exception” zone, to protect the existing and future potential agricultural uses for the property.

Owner:	John Gurr
Applicant:	Kevin M. Duguay
Legal Description:	Concession 3, Part Lot 4, geographic Township of Verulam
Designation:	“Hamlet Settlement Area”, “Rural” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“General Rural (A1) Zone” on Schedule ‘B’ of the Township of Verulam Zoning By-law No. 6-87
Lot Area:	10.5 ha. [26.08 ac. – MPAC], of which approximately 2.06 ha is currently contemplated for the proposed lot creation
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Vacant Land
Adjacent Uses:	North, East, and South: Agricultural West: Residential, Sturgeon Road

## **Rationale:**

The property is located on the east side of Rehill Drive, to the east of Sturgeon Road, in the hamlet of Dunsford. See Appendix 'A'. It contains an accessory building on the southwest corner of the property, on one of the proposed lots to be severed. At the time of consent, the existing accessory building will be demolished or removed from the property. The proposed development would sever five new residential lots within the "Hamlet Settlement Area" designation of the Official Plan, and retain one lot in the "Hamlet Settlement Area", "Rural", and "Environmental Protection" designations. See Appendix 'B' and 'C'.

The applicant has submitted a Planning Justification Report and addendum letter, a Hydrogeological Investigation, and a revised lot concept plan in support of the application. Planning staff have reviewed the Planning Justification Report (PJR), addendum letter and revised lot concept plan filed in support of the proposed zoning by-law amendment. Comments have now been received from the appropriate agencies and departments in support of this application.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development (lot creation) is located within the Hamlet Settlement boundary of Dunsford. The new lots will be serviced by the existing municipal road, and private on-site sewage and water services. The GP allows limited growth when developed with private services.

Therefore, this application conforms to the policies of the Growth Plan.

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

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed severed lots are not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and are not located within any natural hazards, as identified in Section 3 of the PPS. The applicant has agreed to place protective zoning around the watercourse which traverses the retained lot.

Therefore, this application is consistent with the policies of the PPS.

## **Official Plan Conformity:**

The lot is designated “Hamlet Settlement Area”, “Rural”, and “Environmental Protection” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan (OP). Portions of the abutting properties have been identified as “Significant Woodlands” on Schedule ‘B-5’ of the OP. The “Environmental Protection” designation applies to a watercourse which traverses the lot.

The proposed development (lots to be severed) is within the “Hamlet Settlement Area” designation, and the goals of this designation include:

- Recognizing existing hamlets, and supporting their function of providing limited residential uses; and
- Accommodating small-scale residential development within existing settlement areas.

Permitted uses include single detached dwellings and garden suites.

A portion of the lot to be retained is within the “Hamlet Settlement Area”, with the remainder in the “Rural” and “Environmental Protection” designations. The goals of the “Rural” designation include:

- Protecting land that is primarily Class 4-7 agricultural production from fragmentation, development and non-farm related uses; and
- Preserving and promoting the rural character of the City.

Permitted uses include agricultural, agriculture-related, limited low density single detached dwellings, and garden suites.

Section 19.3.13 of the OP states “that the minimum lot size should be 4,000 square metres when individual services are provided a hydrogeological study is required to confirm that there is an adequate supply of water”. The required study has been submitted, and staff concur that the study supports the creation of the proposed lots.

The retained lot will be rezoned to the “General Rural Exception Nineteen (A1-19) Zone” and the “Open Space (OS) Zone”. The “A1-19” zone will preserve the agricultural capability of the proposed retained lot, and the “OS” zone will protect the watercourse from future development.

As the hydrogeological study has been determined to be acceptable to the City, and the proposed retained lot will maintain the existing permitted agricultural uses, this application conforms to the policies of the OP.

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

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned “General Rural (A1) Zone” in the Township of Verulam Zoning By-law 6-87. The applicant has agreed to amend the request, and the proposed change would implement a site-specific “Residential Type One Exception Twenty-Six (R1-26)

Zone” for each of the lots to be severed, and a “General Rural Exception Nineteen (A1-19) Zone” and “Open Space (OS) Zone” on the lot to be retained. The “OS” zone will provide a 15 metre buffer on each side of the watercourse which traverses the lot. The “R1” and “A1” exception zones would recognize site-specific development standards for each lot, and all other provisions of the respective zones would apply.

The “R1” zone permits a single detached dwelling; a seasonal dwelling; a home occupation; and a neighbourhood park or parkette. The “A1” zone permits a single detached dwelling and home occupation, and agricultural uses including a farm, a farm produce outlet, and forestry uses. In accordance with the goals and objectives of the “Rural” designation, the “A1-19” zone will permit agricultural uses on the retained lot.

Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

The site is developed with an accessory building which was constructed circa 1981. At the time of the consent application, the accessory building will be required to be demolished or removed as a condition of consent. Therefore, no further recognition is required through this rezoning application.

All other provisions in the Zoning By-law would be maintained.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments are 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 Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the vibrant and growing economy and healthy environment strategic goals as it increases the supply of housing to attract new

residents, and provides an opportunity to rezone the area surrounding the watercourse to protect and enhance water quality.

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

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

### **Servicing Comments:**

The lots will be serviced by private individual wells and septic systems.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting was held on August 16, 2017. As of March 19, 2018, we have received the following comments:

#### Agency Review & Public Comments:

July 14, 2017	The Building Division has no concerns with this application.
July 21, 2017	The Engineering and Corporate Assets Department confirms it has no objection to this application. Although they have no objection, they note a Development Agreement will be required at the consent stage.
July 28, 2017	Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
August 15, 2017	Kawartha Conservation (KRCA) advised that based on their review of the natural heritage, natural hazards, and water quality and quantity protection policies, they have no objection to the approval of this application.
November 15, 2017	The Community Services Department has no concerns.
February 22, 2018	The Building Division – Part 8 Sewage Systems program advised they have no issues with this rezoning application.

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

The appropriate background information which has been submitted in support of this application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2017 Growth Plan and is consistent with the 2014 Provincial Policy Statement.

Conformity with the City's Official Plan has also been demonstrated. The rezoning will facilitate the creation of five (5) residential lots within the Hamlet of Dunsford, and ensure the retained land complies with the Zoning By-law. All other zoning provisions within the "R1" and "A1" zones will be maintained.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

### Appendix 'A' – Location Map



PLAN2018-003  
Appendix A.pdf

### Appendix 'B' – Concept Plan – Proposed Severed Lots



PLAN2018-003  
Appendix B.pdf

### Appendix 'C' – Lot Grading Plan – Proposed Retained Lot



PLAN2018-003  
Appendix C.pdf

### Appendix 'D' – Proposed By-law Amendment



PLAN2018-003  
Appendix D.pdf

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**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D06-17-021