

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-051**

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**Date:** August 16, 2017  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public 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 from the General Rural (A1) Zone to the Residential Type One (R1) Zone and Rural Residential (RR) Zone 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 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.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “General Rural (A1) Zone” to the “Residential Type One (R1) Zone” and “Rural Residential (RR) Zone”. The intent of the change is to facilitate the severance of five (5) residential lots within the Hamlet Settlement Area, and to retain the rural residential lot. The “R1” zone permits a single detached dwelling; a seasonal dwelling; a home occupation; and a neighbourhood park or parkette. The “RR” zone permits a single detached dwelling; a home occupation; and a neighbourhood park or parkette. The site is developed with an accessory building which was constructed circa 1981. The current “A1” zone permits a single detached dwelling and home occupation, but also permits a farm; farm produce outlet; and forestry uses. This proposal, as submitted, would remove the agricultural uses from the proposed retained parcel.

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: Agricultural  
East: Agricultural  
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. 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 “Rural” and “Environmental Protection” designations. See Appendix ‘B’ and ‘C’.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by Kevin M. Duguay, dated April 10, 2017. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2006 Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Verulam Zoning By-law 6-87.
2. Scoped Hydrogeological Investigation for Rural Servicing prepared by WSP Canada Inc., dated March 3, 2017. The report examines the availability of groundwater to service the proposed development, and considerations for on-site sewage systems.
3. General Lot Grading Plan of Part of Lot 4 Concession 3 prepared by Coe, Fisher, Cameron, Land Surveyors, dated March 1, 2017. The Plan covers the proposed severed lot area.
4. Site Grading Plan of Part of Lot 4 Concession 3 prepared by Coe, Fisher, Cameron, Land Surveyors, dated January 17, 2017. The Plan covers the proposed retained lot area.
5. Addendum to the Planning Justification Report prepared by Kevin M. Duguay, dated July 11, 2017. The addendum discusses and assesses the proposal in the context of the 2017 Growth Plan, which came into effect July 1, 2017.

Staff have reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received. Staff recommend that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

### **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.

Conformity with the PPS will be established through a full review of the application.

### **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.

The portion of the lot to be retained is within the “Rural” designation, and the goals of this 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 is currently subject to review.

New residential lots are only permitted in the “Rural” designation for a dwelling that becomes surplus as a result of a consolidation of farming operations, or for a residential lot for a retiring farmer. Rezoning the retained lot to a rural residential zone category would remove the agricultural uses from the proposed retained parcel. Staff have advised the applicant of this concern, and the applicant has

verbally agreed with staff's interpretation that an agricultural exception zone would be suitable to preserve the agricultural capability of the proposed retained lot.

If the hydrogeological study is determined to be acceptable to the City, and the proposed retained lot maintains the existing permitted agricultural uses, this application should conform to the OP. Conformity with the OP will be established through a full review of the application.

### **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 proposed change would implement a site-specific "Residential Type One Exception \*\* (R1-\*\*) Zone" for each of the lots to be severed, and a "Rural Residential Exception \*\* (RR-\*\*) Zone" on the lot to be retained. The exception zones would recognize site-specific development standards for each lot, and all other provisions of the respective zones would apply.

As noted in the OP comments above, staff have discussed the proposed zoning for the retained land with the applicant. The concern with changing the zone category from the "A1" zone to the "RR" zone is that it would remove the agricultural permissions from the property. The applicant has verbally indicated that an "A1" exception zone would be appropriate to retain the current permitted agricultural uses on the proposed retained property, and that there would be no objection to placing an "Open Space (OS) Zone" on the portion of the property which is currently designated as "Environmental Protection" in the OP, to protect the existing watercourse from incompatible uses.

### **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.

### **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. As of August 3, 2017, 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.

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

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **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 back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## 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



PLAN2017-051  
Appendix A.pdf

### Appendix 'B' – Lot Grading Plan – Proposed Severed Lots



PLAN2017-051  
Appendix B.pdf

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



PLAN2017-051  
Appendix C.pdf

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