

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-025

Date: May 1, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 1 - Bexley

Title: An application to amend the Township of Bexley Zoning By-law 93-09.

Description: To change the zone category on the subject lands (being the severed and benefitting portions) from a Rural General (RG) Zone to Rural General Exception (RG-**) Zone to facilitate a lot consolidation of an oversized rural residential lot described as Part of Lots 37 and 38, North-West Bay Range, Concession 7, now City of Kawartha Lakes, identified as 22 Bayview Lane and Part of 1266 North Bay Drive (James Mathews and Kirsten Weind) – Planning File D06-2019-008.

Author and Title: Quadri Adebayo, Planner II

Recommendations:

That Report PLAN2019-025, respecting 22 Bayview Lane and Part of 1266 North Bay Drive, geographic Township of Bexley; Application No. D06-2019-008, be received; and

That Zoning By-law Amendment respecting application D06-2019-008, be referred back to staff for further review and processing until such time that all comments have been received from all circulated City Department and Agencies, including comments for the the related consent applications and any potential concerns or issues have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The application is related to consent application file number D03-2019-018 that seeks to sever approximately 1.7 hectares of land and retain approximately 43 hectares of rural residential lands (1266 North Bay Drive- severed lot) containing a single detached dwelling, a garage and a shed. The severed land is to be consolidated with an adjacent rural residential lot to the east (22 Bayview Lane – benefitting lot). A concurrent consent file number also related to this application is D03-2019-017 which seeks to reactivate an easement of approximately 0.07 hectares over an existing private road (Bayview Lane) located on 1266 North Bay Drive, in favour of the overall consolidated lands that includes 22 Bayview Lane containing a dwelling and two (2) accessory buildings. For clarity, with the exception of the proposed easement lands which is outside of the ‘subject lands’ identified for rezoning, only the proposed lots to be consolidated (the severed and benefitting) are being considered under this rezoning application. The consent files are to be advertised/circulated on April 25, 2019.

Owners:	James Mathews and Kirsten Weind
Applicant:	Beverly Saunders, EcoVue Consulting Services Inc
Legal Description:	Part of Lots 37 and 38, North-West Bay Range, Concession 7, Part 1 on RP57R-7820 (22 Bayview Lane) and Part 1 on RP57R-6605 (1266 North Bay Drive), geographic Township of Bexley
Official Plan:	Benefitting lot (22 Bayview Lane) – Waterfront and within 120 metres of Natural Heritage Feature (Woodland, Wetland and Fish Habitat) in the City of Kawartha Lakes Official Plan Severed lot (Part of 1266 Bayview Lane) - Rural and within 120 metres of Natural Heritage Features (Woodland, and Wetland) in the City of Kawartha Lakes Official Plan
Zone:	Benefitting lot (22 Bayview Lane) – Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09, as amended Severed lot (Part of 1266 North Bay Drive) - Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09, as amended
Site Size:	Total – 2.7 hectares (approximate) – EcoVue Consulting Inc. Severed – 1.7 hectare, Benefitting – 1 hectare
Site Servicing:	Severed – Unserved Benefitting – Private individual well and septic system
Existing Uses:	Vacant (to be severed), Residential (benefitting)

Adjacent Uses: North: Agricultural, Rural Residential and Wetland (PSW)
 South & East: Residential, Balsam Lake
 West: Agricultural, Environmental Protection

Rationale:

For the purpose of this report, part of 1266 North Bay Drive being the severed land will be referred to as Property A, while 22 Bayview Lane being the benefitting land will be referred to as Property B.

The subject lands are located within an existing rural residential neighbourhood within a Waterfront designated community, which is situated adjacent to Balsam Lake. Although the subject lands are considered adjacent to natural heritage features (i.e Balsam lake fish habitat, woodland, and wetlands), the subject lands do not contain any of these features. Property A contains a driveway that connects to the unassumed private road (Bayview Lane) which allows access to Property B. The legal rights via the driveway onto Bayview Lane for the owners of Property B expired in 2017. As such, the owners of 1266 North Bay Drive have agreed to sell Property A so that it can merge with Property B thereby eliminating the need for any future easement or agreement over the existing driveway. The proposed lot consolidation would result in Property B being increased in size from 1 hectare to 2.7 hectares which would be over the minimum allowed lot area for a rural residential lot.

The effect of the zone change on the lot to be consolidated would:

1. permit an increase in the rural residential lot area requirement from 2 hectares to 2.7 hectares; and
2. restrict the use on the lot to residential and related accessory uses.

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

1. Consent Applications received Decemebr 5, 2018 and deemed complete March 27, 2019;
2. Planning Justification Report prepared by EcoVue Consulting Services Inc, dated November 2018;
3. Stage 1 background information and Stage 2 test pit survey Archaeological Assessment prepared by Earthworks Archaeological Services Inc, dated October 13, 2018 which demonstrates that although the subject lands contains evidence of archaeological potential (pre-contact Aboriginal archeological material), the area is considered to be free of archaeological material; and
4. Agricultural Impact Brief prepared by Clark Consulting services, dated August 27, 2018 which demonstrates that the severed land does not

have viable agricultural potential, and that since there are no active or vacant livestock facilities nearby, no MDS review was completed.

In order to fully evaluate this application, Staff is further reviewing the related consent applications and applicable policy objectives that are relevant to this application. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City Departments and commenting agencies have not been received.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan provides policies for managing growth and development while supporting economic prosperity, protecting the environment and helping communities achieve a high quality of life. Section 2.2.1 d) directs development to settlement areas except where policies permit otherwise, and Section 2.2.1 e) generally direct development away from hazardous lands. Within rural areas, subject to the policies of Section 4, Section 2.2.9.3 permits development outside of settlement areas on rural lands provided the uses are compatible with the rural landscape and surrounding local land uses; will be sustained by rural service levels; and, will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.

The subject land is within 120 metres of the Natural Heritage Features according to Provincial mapping (woodland, wetland and Balsam Lake fish habitat), which illustrates the property is traversed by Balsam Lake floodline limits. Relevant 2017 Growth Plan policies from Sections 4.2.2, 4.2.3 and 4.2.4 apply, which include provisions to protect key natural heritage and hydrologic features, maintain connectivity between such features, limit the amount of total developable area disturbance and identify a vegetation protection zone surrounding these features. The Planning Justification Report submitted with the application outlines that the actual floodline limits would be determined in collaboration with Kawartha Conservation (KRCA). Staff has not yet received comments from the KRCA, which will assist to confirm this application demonstrates conformity with the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

Section 1.1.4, Rural Areas in Municipalities, recognizes the importance of rural lands, natural heritage features and areas and other resource areas and building upon rural character and leveraging rural amenities and assets.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings) and limited residential development which is compatible with the rural landscape and can be sustained by rural service levels.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in significant natural heritage features nor within the habitat of endangered species and threatened species.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. Almost the entire property is within the regulated area of KRCA. The Conservation Authority permitting policies direct development outside of flood hazards.

Although there are no developments proposed on the subject land, Staff has not received review comments from KRCA regarding the impact the proposal would have on the Balsam floodline limits that traverses the lands.

Section 2.6 pertaining to cultural heritage and archaeology does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved. The retained archaeological consultant has stated there are no registered archaeological sites within 1 km of the site, and no archaeological assessments were identified within 50 metres of the study area

Although the submitted Planning Justification Report outlines a number of recommended mitigation measures to address the natural heritage provisions of the PPS, Staff has not yet received comments from the KRCA which will assist to confirm this application demonstrates consistency with the PPS.

Official Plan Conformity:

The subject land is designated “Waterfront” and “Rural”, and within 120 metres of Natural Heritage Feature (Woodland, Wetland and Fish Habitat) in the City of Kawartha Lakes Official Plan (CLKOP). A Provincially Significant Wetland (PSW) Natural Heritage Feature is mapped further east of the subject land. The Waterfront land use designation which applies to Property B provides for low density seasonal and permanent residential uses and accessory uses adjacent to lakes.

The natural heritage policies in Section 3.5 of the CLKOP apply to this proposal. This includes prohibiting development and site alteration within within 120 metres of a wetland and fish habitat, that applications for development and/or site alteration within significant habitat of Threatened and Endangered species will be subject to the discretion of the Ministry of Natural Resources and Forestry, and that development and/or site alteration within or adjacent to significant wildlife habitat may only be permitted subject to an EIS demonstrating no negative impacts to the natural features or their ecological functions.

Although the Planning Justification Report outlines an EIS would not be required as no further development is proposed which would impact natural heritage provisions, Staff has not yet received comments from the KRCA which will assist to confirm this application demonstrates conformity with the CKLOP.

Zoning By-law Compliance:

The subject land is zoned Rural General (RG) Zone in the Township of Bexley Zoning By-law 93-09, as amended. The RG Zone limits the permitted uses and zoning provisions to those permitted in the Rural Residential Type 1 (RR1) Zoning and limits non-agricultural lots within the zone to a maximum area of 2 hectares. As the proposed lot configuration would increase the lot size beyond this maximum lot area, a Zoning By-Law amendment is required. The effect of the zoning amendment is to permit the lot to be consolidated and used for a single residential dwelling and associated accessory uses with appropriate development standards.

As formal review comments from KRCA regarding the potential impact the of the Balsam Lake floodline limits that traverses the lands have not been received, it is premature to consider the rezoning at this time.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

The application aligns with the vibrant and growing economy goal as it provides opportunity to expand and maintain the residential economic base. It also will maintain the health and integrity of the wetland and floodplain.

Servicing Comments:

The subject land is proposed to be serviced by a private individual well 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 April 18, 2019, we have received the following comments:

Public Comments: No comments were received at the writing of this report. Agency Comments: On March 4, 2019, the Building Division advised that they have no concerns with the application.

On March 10, 2019, the Enbridge Gas Inc advised that they have no objections to the application.

On March 10, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

On March 11, 2019, the Part 8 Sewage Systems – Building Division advised that they have no objection to the proposed zoning amendment.

On March 15, 2019, the Curve Lake First Nation initially advised an objection to the proposed application but later revised their concerns on March 18, 2019 noting that they have consulted with the applicant and they are satisfied that there will be no soil disturbance or site alteration given that no additional development is proposed.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment is subject to further confirmation from relevant commenting Agencies to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and CKLOP. At this time, comments have not been received from all circulated Agencies and City Departments including comments for the the related consent applications. Staff recommends 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 analysis 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 appendices, maps, and photographs. If you require an alternative format, please call Quadri Adebayo, Planner II, (705) 324-9411 ext. 1367.



Appendices A-C to
PLAN2018-025.pdf

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C – Zoning By-law Amendment Sketch

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Department Head: Chris Marshall

Department File: D06-2019-008