

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-035

Date: June 5, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 4 - Mariposa

Title: An application to amend the Township of Mariposa Zoning By-law 94-07

Description: To change the Agricultural (A1) Zone to the Agricultural Exception Thirty-Four (A1-34) Zone to permit a Garden Suite for up to 20 years, on Part Lot 19, Concession 7, geographic Township of Mariposa, 115 Taylor's Road (Arksey)

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2019-035, respecting Part Lot 19, Concession 7, geographic Township of Mariposa, Application D06-2019-011, be received;

That a Zoning By-law, respecting application D06-2019-011, substantially in the form attached as Appendix 'D' to Report PLAN2019-035 be approved and adopted by Council;

That staff be directed to prepare a "Garden Suite" agreement pursuant to Section 39.1 of the Planning Act, respecting this application; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

Proposal:	To rezone the subject land from the Agricultural (A1) Zone to the Agricultural Exception Thirty-Four (A1-34) Zone. The effect of the zoning amendment would be to permit a garden suite, which is a temporary, detached dwelling unit that is designed and constructed to be portable and is ancillary to the existing detached dwelling, as a second dwelling unit on the property.
Owners:	Lori and Daryl Arksey
Legal Description:	Part Lot 19, Concession 7, RP 57R-5834, Part of Part 1, geographic Township of Mariposa
Official Plan:	"Prime Agricultural" in the City of Kawartha Lakes Official Plan
Zoning	"Agricultural (A1) Zone" in the Township of Mariposa Comprehensive Zoning By-law No. 94-07
Site Size:	24.6 acres (9.96 ha.) - MPAC
Site Servicing:	The lot is serviced by a private individual well and a private individual sewage disposal system. The proposed garden suite would be serviced by a separate existing private well and new septic system.
Existing Uses:	Agricultural with residence
Adjacent Uses:	North: Farmstead Road/Agricultural East: Taylor's Road/Agricultural South: Agricultural West: Agricultural

Rationale:

The owner has applied to permit a Garden Suite on the subject land. The subject lands are in a prime agricultural area and located southeast of the Hamlet of Oakwood on the south side of Farmstead Road and west side of Taylor's Road. The subject land currently contains a single detached dwelling with an attached garage, which was built in 2004 and a garage/shop which was built in 1991, according to MPAC records. A building permit for a new horse barn was issued in 2018, which has been constructed. The garden suite is proposed to be located north of the existing single detached dwelling and to the east of the new horse barn and will occupy an area of approximately 108.5 sq. m. (1168 sq. ft.). The garden suite dwelling structure is proposed to be a two module (double wide) mobile home, which is a portable dwelling structure, which will be winterized for year round use.

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. Zoning By-law Amendment Application received April 1, 2019.
2. Plans and Sketches for the Zoning By-law Amendment prepared by the Owner, undated.
3. Minimum Distance Separation (MDS) Report prepared by Clark Consulting Services, dated March 21, 2019.

Staff has reviewed the applicable City and Provincial policy objectives that are relevant to this application. Staff accepts the conclusions of the MDS Report that demonstrates the proposed Garden Suite use complies with the Minimum Distance Separation Provincial Formulae.

The Planning Act permits a Garden Suite for a maximum period of twenty (20) years and continues to permit Council to grant further extensions of not more than three years each, during which the temporary use is authorized.

The effect of this application is to permit the proposed Garden Suite for a period of up to twenty (20) years. The owner has indicated that the proposed Garden Suite will be located along an existing laneway that is connected to the main driveway for the existing dwelling but will rely on a separate new septic system and existing well to be shared with the new horse barn. Staff recommends that the owner enter into a Garden Suite Agreement with the municipality, which should be registered against title so that any subsequent owner will have notice that the use of the Garden Suite is temporary. The agreement will recognize the twenty (20) year timeframe.

A Garden Suite is a temporary dwelling which is intended to be portable, with bathroom and kitchen facilities and is ancillary to the existing dwelling on the lot. The 20 year period is appropriate as the structure complies with the definition of Garden Suite and the total time frame for the proposed garden suite would be in accordance with the timeframe permitted by the Planning Act. According to the application, the tenants of the Garden Suite are related to the owners of the property. The Garden Suite remains ancillary to the existing dwelling and meets the general intent and purpose of Section 39.1 of the Planning Act. Staff supports this application.

Applicable Provincial Policies:

The Planning Act, , R.S.O. 1990, c.P.13, provides a framework for municipalities to require policies within their Official Plans which support second dwelling units to be implemented through municipal Zoning By-laws.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Based on the information submitted with the application, the application appears to conform to the 2019 Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The 2014 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.

The temporary residential use proposed on the subject property, which is currently zoned for agricultural purposes, is not anticipated to impact the subject or adjacent agricultural uses.

The applicant has submitted a MDS report, which concludes that MDS setbacks are met for Type 1 land uses in relation to the existing barns within the review area, which complies with the requirements of the PPS.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. 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. Based on consultation, the KRCA has recommended the proposed location of the garden suite in order to provide a means of safe access/egress as well as a separate septic system for the horse barn and garden suite to prevent disturbance an aggravation to the watercourse and associated floodplain that would have resulted from upgrading the connection to the existing dwelling. Furthermore, the applicant has committed to establishing a 5 metre naturalized vegetated buffer on both sides of the watercourse. Therefore, with these measures, it is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

Therefore, the application appears to be consistent with the PPS.

Official Plan Conformity:

The subject land is designated "Prime Agricultural" in the City of Kawartha Lakes Official Plan. No agricultural land will be impacted as the proposed garden suite will be located along an existing laneway that is connected to the main driveway providing access to the new barn. The proposal would appear to generally conform to the policies established for garden suites under Section 5.4 of the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

In order to permit the proposed use, a rezoning application has been submitted for consideration to add a temporary garden suite use to the Agricultural (A1) Zone for the subject land. If the application is approved, the use would be permitted for the timeframe specified by the implementing Zoning By-law.

The draft By-law establishes that the Garden Suite shall not exceed a gross floor area of 110 square metres and shall be permitted for a period of 20 years.

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 amendment 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

This application would align with the exceptional quality of life and healthy environment goals as it supports housing options to supply affordable housing and does not interfere with natural features and functions.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is currently serviced by private individual wells and a private sewage disposal system. An application for a new sewage system permit has been made to ensure that the proposed garden suite can be established and serviced in the noted location. The Part 8 Sewage Systems Supervisor has observed that the property will be able to accommodate the proposed garden suite.

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. To date, we have received the following comments:

Public Comments:

As of the time of writing this report, no public comments were received.

Agency Review Comments:

On May 10, 2019, the Building Division advised that a Building permit is required for the installation of the "garden suite". In addition, Development charges are payable in the amount of \$6,529 and are generally collected at time of permit application. Permit fees will depend on the type of building and foundation proposed.

On May 13, 2019, Development Engineering advised from an engineering perspective, they have no objection to the proposed Zoning By-law Amendment and have no engineering requirements.

On May 14, 2019, the Community Services Department advised that they have no concerns or comments with respect to this application.

On May 16, 2019, Enbridge Gas Inc. advised they have no objection to the application.

On May 16, 2019, the Building Division Part 8 Sewage Systems Program advised they have no objection to the proposed zoning amendment as they have reviewed the property through an application for a sewage system permit to ensure that the proposed garden suite can be established and serviced in the noted location and have observed that the property will be able to accommodate the proposed garden suite.

Conclusion:

The application appears to conform to the policies of the 2019 Growth Plan and to be consistent with the Provincial Policy Statement and generally conforms to the policies of the City of Kawartha Lakes Official Plan. The application has been reviewed in consideration of comments from the circulated agencies, relevant

provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Mariposa Zoning By-law. In consideration of the comments contained in this report, and provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report, Staff respectfully recommends that the proposed rezoning application be referred to Council for **APPROVAL**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2019-035.pdf



Appendix 'B'
PLAN2019-035.pdf



Appendix 'C'
PLAN2019-035.pdf



Appendix 'D'
PLAN2019-035.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Owner's Aerial Plan
Appendix 'D' – Draft Zoning By-law

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-011