

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-043

Date: August 7, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 2 – Somerville

Title: Zoning By-law Amendment for Residential Use

Description: An application to amend the Township of Somerville Zoning By-law to change the zoning on a portion of the property from the Environmental Protection (EP) Zone to a Limited Service Residential Exception ** (LSR-**) Zone to permit a dwelling, and to amend the development standards to allow the redevelopment of the property identified as 121 Cowpath Trail, Somerville (Burke)

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

Recommendations:

That Report PLAN2019-043, **Part of Lot 3, Concession 12, Geographic Township of Somerville, Burke – Application D06-2019-016**, be received; and

That PLAN2019-043 respecting Application D06-2019-016 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a Zoning By-law Amendment application on behalf of the owner, to change a portion of the Environmental Protection (EP) Zone to a Limited Service Residential Exception (LSR-**) Zone to permit a dwelling as a permitted use. The intent of the exception zone is to recognize any site-specific development standards. The proposed rezoning will facilitate the redevelopment of the lot with a new vacation dwelling.

Owner:	Catherine and Randy Burke
Applicant:	Randy Burke
Legal Description:	Part of Lot 3, Concession 12, Geographic Township of Somerville
Designation:	Rural on Schedule 'A-7' of the City of Kawartha Lakes Official Plan
Zone:	Environmental Protection (EP) Zone on Schedule 'A' of the Township of Somerville Zoning By-law Number 78-45
Lot Area:	3,572.2 square metres [30,056 square feet – MPAC]
Site Servicing:	Private individual well, on-site sewage system and ditches
Existing Uses:	Vacant (Abandoned cottage)
Adjacent Uses:	North: Vacant Forest/Agricultural East: Vacant Forest/Agricultural South: Vacant Forest/Agricultural; Rural Residential West: Burnt River; Vacant Forest/Agricultural

Rationale:

The property is located on a private road which intersects with the east side of Burke Road, near the terminus at the north end. See Appendix A. The property contains a vacant derelict vacation dwelling. The proposed redevelopment is to remove the existing structure, and construct a new dwelling with associated garage and septic system. See Appendix B. The lot is located within the Rural designation of the City's Official Plan. The entire property is zoned 'Environmental Protection (EP) Zone', which does not permit residential uses. As such, a rezoning is required.

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

1. Planning Justification Brief prepared by DC Planning Services Inc., dated March 11, 2019. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2017

- Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Somerville Zoning By-law 78-45.
2. Site Grading Plan of Part of Lot 3 Concession 12, Geographic Township of Somerville, City of Kawartha Lakes prepared by Coe Fisher Cameron Land Surveyors, dated June 11, 2018.
 3. Sketch for Zoning By-law Amendment prepared by Coe Fisher Cameron Land Surveyors, dated April 30, 2019.

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, as required.

Provincial Policies:

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

The Growth Plan provides that development outside of settlement areas may be permitted on rural lands for the management or use of resources; resource-based recreational activities; and other rural land uses that are not appropriate in settlement areas. Section 2.2.9 3.c) of the Growth Plan provides that other rural land uses must:

- i. Be compatible with the rural landscape and surrounding local land uses;
- ii. Be sustained by rural service levels; and
- iii. Not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

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. The PPS provides that in rural areas, permitted uses and activities shall relate to the management or use of resources; resource-based recreational uses; limited residential development; and other rural land uses. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

Redevelopment and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. Fish habitat is considered a natural heritage feature. Kawartha Region Conservation Authority (Kawartha

Conservation) have been circulated on this application, and can advise if the Burnt River is considered fish habitat. Kawartha Conservation will also review this application in the context of Section 3 of the PPS, as it relates to natural hazards (floodplain, steep slopes, etc.).

Full consistency with the PPS must be demonstrated for this application.

Official Plan Conformity:

The lot is designated Rural on Schedule A-7 of the City of Kawartha Lakes Official Plan (Official Plan). Permitted uses in the Rural designation include limited low density single detached dwellings. In accordance with Section 28.6.7 of the Official Plan, where lots do not have direct access onto a maintained year round municipal road or provincial highway, the City will not permit development to take place, unless the development complies with one of five exceptions, including if the lot is zoned 'Limited Service' in the local Zoning By-law.

In accordance with Section 3.5.9, where development or site alteration proposals are adjacent to a river or watercourse and the lands are within 120 metres of the water's edge, a review of available information from the Conservation Authority or Department of Fisheries and Oceans (DFO) shall be undertaken to determine if fish habitat is present. Kawartha Conservation will provide advice to the City regarding the presence or absence of fish habitat in the Burnt River.

Section 3.11.1 advises that all buildings, structures and septic systems shall be a minimum of 30 metres from the high water mark and shall be maintained in a natural state with no disturbance of the vegetation and soils, except for boathouses and docks. Section 3.11.2 allows for some reduction, if it has been demonstrated why the 30 metre setback cannot be complied with.

To date, the application has not yet demonstrated how the proposed 'LSR' zoning envelope conforms with the Official Plan policies. Conformity shall be demonstrated through the additional review and comments.

Zoning By-Law Compliance:

The lot is zoned 'Environmental Protection (EP) Zone' in the Township of Somerville Zoning By-law. The 'EP' zone does not permit residential uses. The application, as proposed, would permit a new single detached dwelling or vacation dwelling to be constructed, and include accessory uses.

Zoning By-law compliance will be established through a full review of this application.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments 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:

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

This application aligns with the Exceptional Quality of Life strategic goal as it provides for an additional vacation dwelling.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through permits issued under the Ontario Building Code (OBC), if applicable.

Servicing Comments:

The existing vacation dwelling is non-habitable. The new dwelling will be serviced by an on-site private sanitary sewage disposal system and individual well.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius of the property, agencies, and City Departments which may have an interest in the application. As of July 26, 2019, we have received the following comments:

Public Comments:

No comments received to date.

Agency Review Comments:

July 17, 2019	The Community Services Department has no concern or comment.
July 17, 2019	The Building Division - Part 8 Sewage Program requested a copy of the survey to review.

July 17, 2019

The Engineering and Corporate Assets Department confirmed there is no availability of a municipal entrance for 121 Cowpath Trail, as there is no direct municipal road access.

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, there are outstanding issues to be addressed by the applicant, and additional comments to be received. 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 issues contained in this report, Staff respectfully recommend 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 Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2019-043
Appendix A.pdf

Appendix 'B' – Site Plan, dated April 30, 2019



PLAN2019-043
Appendix B.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D06-2019-016