

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-052**

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**Date:** September 13, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: Ward 7 – Verulam**

**Subject:** An application to amend the Township of Verulam Zoning By-law to change the zone category from the Open Space (OS) Zone to the Residential Type One (R1) Zone to permit a single detached dwelling and accessory uses for the property identified as Vacant Land on North Bayou Road, Verulam (Boehm)

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

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2017-052, **Plan 551 Lot 63, Concession 2 Part of Lot 13, Geographic Township of Verulam, “Boehm – Application D06-17-024**, be received; and

**THAT** Report PLAN2017-052 respecting Application D06-17-024 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 “Open Space (OS) Zone” to the “Residential Type One (R1) Zone”. The “OS” zone permits agricultural or forestry uses; a public park; or public use. The “R1” zone permits a single detached dwelling; a seasonal dwelling; a home occupation; and a neighbourhood park or parkette. The site is currently vacant, and the intent of the change is to facilitate the construction of a single family dwelling on the lot. As such, a rezoning is required.

Owner:	Dennis Boehm
Applicant:	Kent Randall – EcoVue Consulting Services Inc.
Legal Description:	Plan 551, Lot 63, Concession 2, Part of Lot 13, geographic Township of Verulam
Designation:	“Waterfront”, City of Kawartha Lakes Official Plan
Zone:	“Open Space (OS) Zone” on Schedule ‘A’ of the Township of Verulam Zoning By-law No. 6-87
Lot Area:	2,169.2 sq. m. [7,840.8 sq. ft. – MPAC]
Site Servicing:	Currently none. Private individual on-site sewage disposal and well are required.
Existing Uses:	Vacant Land
Adjacent Uses:	North: North Bayou Road, Vacant Residential, Wetland East: North Bayou Road, Shoreline Residential, Wetland South: Shoreline Residential, Canal (Sturgeon Lake) West: Canal (Sturgeon Lake), Shoreline Residential

## Rationale:

The property is located on the south and west sides of North Bayou Road, to the east of Hickory Beach Road, along the shoreline of Sturgeon Lake to the east of Sturgeon Point. See Appendix ‘A’. According to the Municipal Property Assessment Corporation (MPAC) records, it is currently vacant, however the sketch shows an existing cottage to be removed, two (2) frame sheds, and a metal shed. The proposed development would remove the cottage and permit the construction of a new single detached dwelling on private services. See Appendix ‘B’.

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

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated January 17, 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. Concept Plan prepared by EcoVue Consulting Services Inc., dated April 27, 2017.
3. Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services, dated September 18, 2016. The report examines the soil for stratigraphy, cultural features, or evidence of fill.
4. Environmental Impact Study prepared by Cambium Inc., dated November 1, 2016. The report identifies and evaluates the proposal with respect to applicable natural heritage features, including species at risk and provides recommended mitigating measures that will permit the development to proceed.
5. Addendum to the Planning Justification Report prepared by EcoVue Consulting Services Inc., dated August 30, 2017. The addendum discusses and assesses the proposal in the context of the 2017 Growth Plan, which came into effect July 1, 2017.

Staff has 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 recommends 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, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. Full conformity will be established through the review of the application.

#### **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.

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. Development shall be directed in accordance with the policies of Section 2 and 3 of the PPS. An Environmental Impact Study (EIS) has been submitted which has been circulated to Kawartha Region Conservation Authority (KRCA) for review and comment. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions.

Full conformity will be established through the review of the application.

### **Official Plan Conformity:**

The lot is designated “Waterfront” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan (OP). Portions of the abutting properties have been identified as “Provincially Significant Wetlands” on Schedule ‘B-5’ of the OP. Permitted uses in the “Waterfront” designation include single detached dwellings and accessory uses. Section 3.11 of the OP requires that new development achieve a minimum 30 metre setback from the high water mark to be maintained in its natural state with no disturbance of the vegetation and soils, with the exception of a boathouse and dock in the 30 metre setback. This is an existing lot of record which has sufficient area to accommodate this setback. Therefore, the zoning by-law amendment should include a 30 metre water setback, in accordance with 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 “Open Space (OS) Zone” in the Township of Verulam Zoning By-law 6-87. The proposed change would implement the “Residential Type One (R1) Zone” provisions and uses. The purpose is to allow a single detached dwelling as a permitted use on the property. Due to the unique circumstances of this property, a site-specific exception zone may be required. Further analysis will determine if the “R1” zone is appropriate, or whether a “Limited Service Residential (LSR) Zone” may be more appropriate.

As noted in the OP comments above, this is an existing lot of record which can achieve a minimum 30 metre setback to the high water mark. The proposed concept plan respects these 30 metre setbacks; however staff would consider that the zoning amendment should incorporate the 30 metre water setback. An exception zone would be appropriate to capture any minimum or maximum development standards which are different than those in the zone for which they are proposed. Zoning By-law compliance will be established through a full review of the 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 its refusal to adopt the requested amendments is 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 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 vibrant and growing economy strategic goal as it increases the supply of housing to attract new residents.

## **Servicing Comments:**

The lot will be serviced by a private individual well and on-site septic system.

## **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 30, 2017, we have received the following comments:

### Agency Review & Public Comments:

August 24, 2017 –The Engineering and Corporate Assets Department confirms it has no objection to this application.

August 28, 2017 – Dawn Waterson advised by phone that she does not have concerns with this lot, as it does not abut her property and/or affect drainage on her property.

August 29, 2017 – Gaetano Sicilia advised by email that himself; Mr. and Mrs. Tarantino; and Ms. Monteleone are in unanimous support of this application.

## **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



PLAN2017-052  
Appendix A.pdf

Appendix 'B' – Concept Plan – dated April 27, 2017



PLAN2017-052  
Appendix B.pdf

Appendix 'C' – Aerial Photo with Natural Heritage Features Overlay



PLAN2017-052  
Appendix C.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

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

**Department File:** D06-17-024