

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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-026**

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**Meeting Date:** August 12, 2020

**Title:** Zoning By-law Amendment for Woodland Hills Community Subdivision, Bethany

**Description:** An application to amend the Oak Ridges Moraine and Township of Manvers Zoning By-laws to harmonize development standards to permit 5 lots to develop

An application to amend the Township of Manvers Zoning By-law to decrease the size of 5 lots fronting on future Country Place to accommodate a municipal stormwater management block and to replace the commercial block fronting Ski Hill Road between Rustlewood Avenue and Country Place with a stormwater management pond and 3 residential lots

Part Lot 24, Concession 8, geographic Township of Manvers, Future Horizon Court and Country Place, Bethany (Woodland Hills Community Inc.)

**Ward Number:** Bethany – Ward 8

**Author and Title:** Richard Holy, Manager of Planning

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### **Recommendations:**

**That** Report PLAN2020-026, **Woodland Hills Community Inc. – D05-31-015 and D06-2018-014**, be received; and

**That** PLAN2020-026 respecting Applications D05-31-015 and D06-2018-014 be referred back to staff to address any issues raised through the public consultation process and that any comments and concerns have been addressed.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The Woodland Hills Community subdivision in Bethany has been developing for the past couple of decades along Ski Hill Road in the northeast portion of Bethany (see Appendix A). The initial subdivision agreement dated September 28, 1995 was for the first phase of development along Woodland Trail. Subsequent phases have been based on a subdivision agreement that was registered just prior to amalgamation on December 21, 2000. The agreement allows the developer to register subsequent plans of subdivision and develop the phases subject to conditions contained in the agreement. The agreement contains various development and engineering standards as well as requirements for payments to the City.

The first part of the proposal property is a technical amendment. There are five lots along Horizon Court that are subject to both the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law. The Oak Ridges Moraine Zoning By-law limits are based on the area limits provided through the Oak Ridges Moraine Conservation Plan. These limits are absolute and cannot be changed or amended to reflect existing lot patterns. Appendix C identifies the dividing line between the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law on the Horizon Court portion of the proposed subdivision. Technically, these five lots don't meet the requirements for either Zoning By-law, rendering them undevelopable. The owner has submitted an application to the City to amend the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law to harmonize the zoning provisions to facilitate development.

The second part of the proposal is driven by new infrastructure requirements. Based on current Ministry of Environment, Conservation and Parks stormwater management criteria, a stormwater management facility will need to be constructed to accommodate the remaining development within this plan of subdivision. The City also requires that blocks conveying stormwater be dedicated to the City rather than having easements over private property. This impacts the design of the subdivision in the following manner.

- The block resulting from the stormwater conveyance channel north of Lots 3 to 7 means that these lots no longer meet the minimum lot area under the Township of Manvers Zoning By-law and need to seek relief from the minimum lot area of 0.4 ha.
- A new stormwater management facility is proposed to be constructed on the commercial block that is located along Ski Hill Road between Rustlewood Avenue and Country Place. The facility is located at the base where the stormwater conveyance block ends, limiting the development options for the commercial block. With the changes in the retail environment over the past several decades, smaller neighbourhood commercial blocks often struggle to retain tenants or are rezoned for other uses if they haven't been developed to date. As a result, the owner has

decided to replace the commercial block with the stormwater management facility and three residential lots.

Owner:	Woodland Hills Community Inc.
Applicant:	Donald Kerr
Legal Description:	Part Lot 24, Concession 8, geographic Township of Manvers
Official Plan:	Oak Ridges Moraine Rural Settlement Area in the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)  Hamlet in the City of Kawartha Lakes Official Plan
Zoning:	Rural Residential Type One Exception Six (RR1-S6) Zone in the Oak Ridges Moraine Zoning By-law 2005-133  Rural Residential Type Two Exception Fourteen (RR2-S14) Zone and Holding-General Commercial Exception Two (C1-S2(H)) Zone in the Township of Manvers Zoning By-law 87-06
Site Size:	Approximately 16.8 ha (41.6 ac.)
Site Servicing:	Private individual well and septic systems with roadside ditches
Adjacent Uses:	North: Hamlet residential East: Vacant land for future hamlet residential uses South: Hamlet residential West: Hamlet residential

## **Rationale:**

The property is located on the east side of Ski Hill Road just north of Hwy 7A and proposes 35 hamlet residential lots (See Appendix B). With the exception of 8 lots, all other lots are at least 0.4 hectares (1 acre) in size. The subject property would represent the final development area of draft plan of subdivision 16T-88012 and would largely complete development along Ski Hill Road towards existing residential development along Hwy 7A. The owner recently registered a three lot subdivision Plan 57M-807 on Tall Cedar Lane, which is along the northeastern edge of this Plan.

The applicant has submitted the following reports in support of the proposal.

1. Hydrogeological Letter Report, WSP, July 19, 2019 and August 1, 2019. The report identifies existing background geotechnical and hydrogeological documents in support of lot revisions.
2. Water Balance Study and Phosphorus Balance Study, WSP, May 14, 2019. The study reviews the water balance for the site (ie. the amount of

run-off versus the amount of infiltration) and the amount of phosphorus being loaded onto the site from development.

## **Provincial Policies:**

### **Oak Ridges Moraine Conservation Plan, 2017 (2017 ORMCP):**

These lands are located within the Rural Settlement area of Bethany within the 2017 ORMCP. The overall goals of the plan are to protect and restore the natural environment. Permitted uses within the designation include residential, small-scale commercial, industrial, and institutional uses. The owner has provided the necessary background studies to demonstrate that the proposal will support the policies of the 2017 ORMCP.

Based on a review of the proposal, Staff feel that the application conforms with the 2017 ORMCP.

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

These lands are located within the 'Hamlet Settlement Area' boundary of Bethany. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The Growth Plan directs development to settlement areas, with limited growth in areas that are not serviced by existing or planned municipal water and wastewater systems.

Section 3.2.7 of the Growth Plan provides that subdivision development should include stormwater management facilities that incorporate low impact development measures.

Based on a review of the proposal, Staff feel that the application conforms with the 2019 Growth Plan.

### **Provincial Policy Statement, 2020 (2020 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.

Based on a review of the proposal, Staff feel that the application conforms with the 2020 PPS.

## **Official Plan Conformity:**

### **City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)**

The subject lands are designated 'Rural Settlement' on Schedule '2' of the City's Oak Ridges Moraine Policy Area and located within an area of Low Aquifer Vulnerability and Category 2 Landform Conservation Area. Permitted uses in the 'Rural Settlement' designation include residential, small-scale commercial, industrial and institutional uses that serve the hamlet and surrounding rural areas.

The owner's engineer has submitted a water balance study for review, which would satisfy the policy requirements to address aquifer vulnerability.

The policies related to landform conservation are designed to preserve landforms, minimize site alteration and to maximize imperviousness. Through the zoning by-law amendment and the engineering design, staff will ensure that low impact design features are incorporated where possible.

On this basis, the application conforms to the Official Plan.

### **City of Kawartha Lakes Official Plan:**

The subject lands are designated 'Hamlet Settlement Area' on Schedule 'A-1' of the City's Official Plan. Permitted uses in this designation include residential, commercial, institutional, and employment uses that serve the hamlet and surrounding rural areas.

Development on individual services requires a hydrogeological study to confirm there is an adequate supply of water and that the development can be serviced through septic systems. The commercial block is being converted to residential and infrastructure uses. A hydrogeological and geotechnical letter report was submitted in support of the application, which confirmed that the development was supportable.

The hamlet policies state that new lots should have a minimum lot area of 0.4 hectares. In this case, the eight undersized lots will have lot areas ranging between 0.338 hectares up to 0.399 hectares, resulting in an average lot size of 0.366 hectares. The applicant's engineer has provided information to support the reduction in lot sizes.

On this basis, the application conforms to the Official Plan.

## **Zoning By-Law Compliance:**

### **Oak Ridges Moraine Zoning By-law:**

The lots along future Horizon Court are zoned 'Rural Residential Type One Exception Six (RR1-S6) Zone' in the Oak Ridges Moraine Zoning By-law 2005-133. Permitted uses include a single detached dwelling and a home business.

The proposal would not change the permitted uses but only harmonize development standards with the Township of Manvers Zoning By-law.

### **Township of Manvers Zoning By-law:**

The lots on future Horizon Court are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. Permitted uses include a single detached dwelling, a converted dwelling, and a home occupation. The proposal would not change the permitted uses but only harmonize development standards with the Oak Ridges Moraine Zoning By-law.

The commercial block along Ski Hill Road is zoned 'Holding-General Commercial Exception Two (C1-S2(H)) Zone' and the lots on Country Place are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. The application proposes to reduce the minimum lot size to 0.338 hectares to accommodate the stormwater management conveyance block, which will be placed in an open space zoning. The commercial block will be rezoned to a rural residential zone to permit the new residential lots and an open space zone to permit the stormwater management facility.

### **Other Alternatives Considered:**

No other options were considered at this time.

### **Financial/Operation Impacts:**

There are no financial impacts unless Council's decision to approve or refuse to approve 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 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Vibrant and Growing Economy and Exceptional Quality of Life priorities by attracting new residents and providing growth in our rural hamlets areas; and aligns with the Healthy Environment priority by

promoting sustainable development through the construction of new stormwater management systems to protect and enhance water quality.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented as necessary through the Ontario Building Code (OBC).

### **Servicing Implications:**

The proposed development will be serviced by individual private well and septic systems as well as roadside ditches.

### **Consultations:**

The public meeting notice was mailed to all residents within a 120 metre radius of the property and a Public Meeting sign was placed on the Ski Hill Road property frontage. As of the writing of this report, no comments have been received from the public on the proposal.

The application was also sent to all relevant agencies for comment.

The Engineering Department has no concerns with the proposed rezoning. They will be reviewing the engineering submission to finalize the stormwater management facility design in conjunction with KRCA.

The Building Division has no concerns with the proposal. WSP has provided the effluent dilution calculations based on this new lot sizing and have reported that the proposed lot sizes will provide adequate dilution to meet applicable standards by the property line.

KRCA has no objections to the revisions posed through the rezoning. They will be reviewing the engineering submission to finalize the stormwater management facility design in conjunction with the City.

The Curve Lake First Nation has no objections to the proposal as they are not aware of any issues that would cause concern with their Traditional, Aboriginal, or Treaty rights. Should construction or excavation unearth any human remains, they must be notified without delay.

The Ministry of Municipal Affairs and Housing has no concerns with the proposal but verbally advised that the limit of the Oak Ridges Moraine Conservation Plan cannot be adjusted. Therefore, the limits of the Oak Ridges Moraine Zoning By-law must remain in place and these five lots will have split zoning between the Township of Manvers and Oak Ridges Moraine Zoning By-laws.

## **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. The application conforms to the 2017 ORMCP, 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Oak Ridges Moraine Policy Area and the Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards for the residential lots fronting on Country Place, Rustlewood Avenue and Horizon Court.

Staff would also advise that the proposed changes to the subdivision plan require minor changes to the draft plan conditions which can be dealt with at the staff level once the zoning is in place.

An amending subdivision agreement will also be prepared for this subdivision plan and will be brought forward to Planning Advisory Committee for approval.

## **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 to address any issues raised by the public at the meeting.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Manager of Planning, (705) 324-9411 extension 1246.

### **Appendix A – Location Map**



PLAN2020-026 -  
Appendix A.pdf

### **Appendix B: New Lot Layout – Woodland Hills Community Inc.**



PLAN2020-026 -  
Appendix B.pdf

### **Appendix C – Oak Ridges Moraine Zoning By-law Limit**



PLAN2020-026 -  
Appendix C.pdf



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

**Department File:** D05-31-015 and D06-2018-014