

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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-037**

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**Meeting Date:** September 2, 2020

**Public Meeting**

**Title:** An application to amend the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

**Description:** An amendment to rezone the property from Open Space (O1) Zone to a residential zone to recognize the existing residential use. The property is described as Part of Lot 3, Concession 2, geographic Township of Laxton, City of Kawartha Lakes, identified as 128 Curls Road

**Ward Number:** 1

**Author and Title:** David Harding, Planner II, RPP, MCIP

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**Recommendations:**

**That** Report PLAN2020-037, Part of Lot 3, Concession 2, geographic Township of Laxton, City of Kawartha Lakes, identified as 128 Curls Road, “DaCunha and Potter – D06-2020-011”, be received; and

**That** the applications respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The subject property is delineated into two distinct bulbs of land connected by a thin strip of land, and is bordered on the east side by Duck Lake, and on the north, west, and south sides by road allowances. The subject property contains a single detached dwelling, and three accessory buildings on the southern bulb.

The applicant has submitted the following documentation in support of the application, which have been circulated to various departments and agencies for review and comment:

1. Planning Justification Report dated January 3, 2020 prepared by DC Planning Services Inc.,
2. Topographic Plan prepared by Coe Fisher Cameron Land Surveyors dated November 10, 2019,
3. Site Inspection Report for a Sewage System Permit from the HKPR District Health Unit dated April 17, 2000; and
4. Construction Permits dated June 30, 2000 and July 26, 2001

Owners:	Anna DaCunha and David Potter
Applicant:	Doug Carroll - DC Planning Services Inc.
Legal Description:	Part of Lot 3, Concession 2, geographic Township of Laxton
Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zone:	Open Space (O1) Zone in the United Townships of Laxton Digby and Longford Zoning By-law 32-83, as amended
Site Size:	0.65 hectares
Site Servicing	Private individual well and sewage system

## **Rationale:**

The application proposes to add zoning on the property in accordance with the dwelling that was constructed. The property is currently zoned Open Space (O1), and a single detached dwelling is not a permitted use within that zone.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The Growth Plan directs development to settlement areas, except where necessary for development related to the management or use of resources,

resource-based recreational activities, and rural land uses that cannot be located in settlement areas. Such development is to be compatible with the rural landscape, not conflict with the protection of agricultural uses and be sustained by rural service levels.

Preliminary review appears to indicate that the application will conform as the property is a shoreline property that benefits from access to the recreational resource of Duck Lake.

Review with respect to the conformity to the Growth Plan is ongoing.

### **Provincial Policy Statement, 2020 (PPS):**

Rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy. In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape and can be sustained by rural service levels.

Preliminary review appears to indicate that the application will conform as the property is a shoreline property that benefits from access to the recreational resource of Duck Lake

Review with respect to the consistency with the PPS is ongoing.

### **Official Plan Conformity:**

The majority of the subject land is designated Rural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Environmental Protection. The Environmental Protection lands appear to be along the shoreline as well as the narrow strip of land which connects both bulbs of the property.

While Section 16 of the Official Plan, which deals with the Rural designation policies, is primarily structures for the protection of class 4-7 agricultural lands, provision is also made for limited low density residential use in the form of single detached dwellings. One of the main goals of the designation is to preserve and promote the rural character of the countryside.

The residential use, while established, is closer to the shoreline than would typically be permitted for new builds given the new water setback policies that are in place. The application seeks to change the zone category to a residential use, so consideration must also be applied to what could be built in the future.

Review with respect to the conformity to the Official Plan is ongoing.

### **Zoning By-law Compliance:**

The subject land is zoned Open Space (O1) Zone in the United Townships of Laxton Digby and Longford Zoning By-Law 32-83.

The application proposes to adjust the zoning on the property to a residential zone category. Staff is awaiting comments from other offices, including the Kawartha Region Conservation Authority. Once these comments are received, staff will further review whether it is appropriate to rezone a portion or all of the property, and what zone provisions are to be considered to ensure the orderly and environmentally appropriate development on the land that may be rezoned.

### **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 Appeals 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 exceptional quality of life by recognizing a shoreline residential use.

### **Servicing Comments:**

The land is serviced by a private sewage disposal system and well.

### **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. The Development Engineering Division and Community Services Department raised no concerns as a result of the circulation. No comments were received from the public.

### **Development Services – Planning Division Comments:**

While the application generally appears to conform to the Growth Plan and generally appears to be consistent with the Provincial Policy Statement, additional review and agency comments are required to confirm final conformity and consistency of those documents as well as the Official Plan. The comments

from circulated agencies and departments will also assist with crafting of the by-law amendment given the environmental factors which must be considered for waterfront development.

## **Conclusion:**

Review of this application remains ongoing pending the receipt of additional comments and subsequent planning analysis. Staff respectfully 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.

A pdf document is embedded into this document. Please contact David Harding, Planner II at 705-324-9411 extension 1206 to request an alternative format.

## **Attachments:**

### **Appendix 'A' – Location Map**



Appendix A to  
Report PLAN2020-03

### **Appendix 'B' – Sketch for Consent Application**



Appendix B to  
Report PLAN2020-03

### **Appendix 'C' – Aerial Photograph**



Appendix C to  
Report PLAN2020-03

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**Department Head:** Chris Marshall

**Department File:** D06-2020-011