



Planning Advisory Committee Report

Report Number:	PLAN2022-005
Meeting Date:	February 9, 2022
Title:	Official Plan Amendment and Zoning By-law Amendment for 614 Shamrock Road, Emily
Description:	To amend the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-law 1996-30 to permit the severance of the subject lot.
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2022-005, **Official Plan Amendment and Zoning By-law Amendment for 614 Shamrock Road, Emily**, be received for information; and

That Report PLAN2022-005, **Official Plan Amendment and Zoning By-law Amendment for 614 Shamrock Road, Emily**, be referred back to staff for further review and until comments from the application referral and public notice have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The land known as 614 Shamrock Road in the former Township of Emily currently contains a single-detached dwelling and detached accessory buildings (Appendix A). It is being used for agricultural purposes. Under the City of Kawartha Lakes Official Plan, this property is designated Rural and Waterfront (Appendix B) and zoned Agricultural (A1) Zone under the Township of Emily Zoning By-law.

Owner:	Charles and Barbara Spence
Applicant:	Clark Consulting Services
Legal Description:	Concession 7, Lot 13, 57R5883, 57R6532, Parts 3 & 4
Official Plan:	Rural and Waterfront – City of Kawartha Lakes Official Plan
Zoning:	Agricultural (A1) Zone – Township of Emily Zoning By-law
Area:	Approximately 15.19 hectares
Site Servicing:	Private water, sanitary and storm sewer services
Existing Uses:	Agricultural with a residence, livestock facility and detached accessory buildings.
Adjacent Uses:	North, South, West: Commercial and Residential East: Residential

Rationale:**Proposal:**

The applicant is proposing to amend the Official Plan and the Zoning By-law to permit a severance of the lot and establish a residence on the severed portion. Existing Agricultural uses and buildings, and the residence, would remain on the retained portion. In order to consider severance of the lot, an Official Plan Amendment and Zoning By-law Amendment are required. In support of these applications, the following materials were submitted:

- 1) Planning Justification Report (September 2021), prepared by Clark Consulting Services. This report provides a review of the proposal and its alignment with the Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, the City of Kawartha Lakes Official Plan, 2012 and the Township of Emily Comprehensive Zoning By-law #1996-30.

- 2) Minimum Distance Separation Report (included as an attachment to the Planning Justification Report) (August 2021), prepared by Clark Consulting Services. This Report evaluated the Minimum Distance Separation Criteria considering the proposed severance for residential purposes. At the time of writing this report, the Report is under review.
- 3) Hydrogeological Assessment Report (June 2021), prepared by Cambium Inc. This Assessment includes a water supply assessment, water quality analysis of adjacent wells and a subsurface soil investigation. At the time of writing this report, this Study is being reviewed.
- 4) Stage 1 and Stage 2 Archaeological Assessment (June 2021), prepared by Northeastern Archaeological Associates Limited. At the time of writing this report, this Assessment is under review.
- 5) Topographic Survey of Proposed Severed Lot (June 2021), prepared by Coe Fisher Cameron Land Surveyors.
- 6) Legal Survey of Proposed Severed Lot (June 2021), prepared by Coe Fisher Cameron Land Surveyors.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public health and safety, and the quality of the natural environment is facilitated through the policies contained in this document. Staff provide the following review of the proposal's conformity with the PPS.

Given that the subject lands are outside of both urban and rural settlement areas, and are not considered Prime Agricultural, policies under Section 1.1.5 Rural Lands in Municipalities apply. As Per the PPS, when evaluating development on rural lands, the relevant policies of Section 1: Building Strong Healthy Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety shall be applied.

Within this Section 1.1.5, lot creation is stated as a permitted use provided it is locally appropriate. As described in the Planning Justification Report submitted in support of this application, the land uses surrounding the subject lot are primarily residential and agricultural. When evaluating the proposed consent, the severed lot would fit within the existing fabric of residential lots. Further review of the Hydrogeological Assessment

submitted in support of this application is required before conformity with Section 1.6.6 Sewage, Water and Stormwater can be evaluated.

Section 2 of the PPS contains policies pertaining to the conservation and protection of natural heritage features, prime agricultural lands and archaeological resources. The subject land does not contain prime agricultural lands nor does it include natural heritage features. To evaluate the archaeological significance of the lot, Stage 1 and Stage 2 archaeological assessments were provided in support of the application. Further review of this submission is required before conformity with Section 2 of the PPS can be evaluated.

Section 3 of the PPS pertains to mitigating risk to public health or safety, or property damage, from natural hazards. There are no natural hazards, as outlined in the PPS, that would appear to affect the potential development.

Further PPS conformity will be determined once review of the application is complete.

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

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

Generally, the Growth Plan directs growth to settlement areas but considers development of select uses in rural areas subject to the criteria outlined in Section 2.2.9:

- a) the management of resources;
- b) resource-based recreational uses; and
- c) other rural land uses that are not appropriate in settlement areas provided they:
 - a. are compatible with the rural landscape and surrounding local land uses;
 - b. will be sustained by rural service levels; and
 - c. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

The PJR acknowledges a related Growth Plan policy that pertains to multiple lot proposals and subsequently notes that this application does not qualify for it.

Following a complete review of the supporting materials, full conformity with the Growth Plan will be determined.

City of Kawartha Lakes Official Plan, 2012:

The subject land is designated Rural and Waterfront under the Official Plan and the areas are approximately 13.76 ha and 1.43 ha, respectively. Generally, the Official Plan only contemplates severances of Rural lands when both the severed and retained lots can achieve a minimum 40 ha area. Staff acknowledge the unusual split-designation of this lot and do not consider it to be wholly Rural. However, the proposed severance would result in an agricultural lot less than 40 hectares. Furthermore, the proposed severed lot would not achieve the minimum area or frontage requirement for a Waterfront back lot; 2 ha and 200m, respectively. Further review of the materials submitted in support of this application, including the Minimum Distance Separation Criteria Report and the Hydrogeotechnical Report are required before full review of Official Plan conformity can occur.

Township of Emily Comprehensive Zoning By-law 1996-30

The property is currently zoned 'Agricultural (A1)' Zone and amendments to the Zoning By-law are required in order to facilitate the proposal as described. Proposed by the applicant is the rezoning of the proposed retained and severed lots to 'Agricultural Exception (A1-X)' Zone and 'Rural Residential Three (RR3)' Zone, respectively.

According to the submitted materials, the proposed severed lot would comply with the RR3 Zone and a site-specific zone would not be required. The chart below outlines the items requiring a site-specific zone:

	Zone Provision	Required	Proposed	Amendment Required
Retained	Minimum Lot Area	25 ha	13.7 ha	Yes
Retained	Minimum Lot frontage	120 m	88 m (Charlore Park Drive)	Yes

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendment would facilitate additional rural residential housing options on this property.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 500m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

At the time of report writing, no comments from the public have been received.

Agency Review Comments:

Engineering Division, January 2022: no concerns with the proposed Official Plan Amendment or Zoning By-law Amendment.

Building and Septic Division, January 2022: The Building and Septic Division has no issue or concern with the amendments as presented for the property in question as it relates to private on-site sewage disposal. Further evaluation will need to be conducted as part of the proposed severance.

Development Services – Planning Division Comments:

Staff will continue to evaluate the proposal's conformity with the Growth Plan and Official Plan. At the time of report writing, the external agency review of the application is incomplete. Staff require additional to collect comments and assess policy conformity.

Conclusion:

Respectfully, Staff ask that the applications be referred back for further review and processing.

Attachments:**Appendix 'A' – Location Plan**

Appendix A.pdf

Appendix 'B' – Official Plan Designations



Appendix B.pdf

Appendix 'C' – Aerial Photo



Appendix C.pdf

Appendix 'D' – Conceptual Site Plan



Appendix D.pdf

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Department File: D06-2021-029