



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-050

**Meeting Date:** September 14, 2022

**Title:** Amend the Ops Zoning By-law 93-30 together with a Revised Draft Plan of Subdivision at Vacant Land on Elm Tree Road, Ops – 2042825 Ontario Inc.

**Description:** An application to amend the Township of Ops Zoning By-law, together with a Revised Draft Plan of Subdivision (16T-16501) to increase the area of the cemetery block in a draft approved residential plan of subdivision consisting of 8 residential lots on the property identified as Vacant Land on Elm Tree Road, Ops (2042825 Ontario Inc.)

**Type of Report:** Public Meeting

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

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### Recommendations:

**That** Report PLAN2021-050, **2042825 Ontario Inc. – Applications D06-2021-023 and D05-16-004**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2021-050, be referred to Council for approval and adoption;

**That** the Revised Draft Plan of Subdivision (16T-16501), Application D05-16-004, as shown on Appendix 'B' to Report PLAN2022-050, be referred to Council for approval and adoption; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

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

**Legal/Other:** \_\_\_\_\_

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

## **Background:**

The applicant has submitted applications for a revised draft plan of subdivision and a zoning by-law amendment. The original draft plan of subdivision (16T-16501) consisting of 8 residential lots, 4 blocks, and an extension of O'Reilly Lane was draft approved by Council on November 14, 2017, along with companion Official Plan and Zoning By-law Amendments. None of the original approvals was subject to appeal. In 2020, the owner requested and the City granted a three-year extension of the current draft plan approval to November 29, 2023.

Through completing the necessary Stage 3 and 4 archaeological work associated with the proposed cemetery block (being completed in order to satisfy the existing conditions of draft plan approval), it was determined that the size of Block 9 (the cemetery block) required an expansion. To accomplish this requires a red-line revision to the existing draft approved plan of subdivision, and a companion technical Zoning By-law Amendment which reconfigures the corresponding 'Open Space Exception Eight – Holding (OS-8(H)) Zone' boundaries to coincide with the revised Block 9. These applications, if approved, would accomplish this.

Owner:	2042825 Ontario Inc. c/o Robert Catenacci; Robert, Maria and Claudio Catenacci; Anthony Tenaglia
Applicant:	EcoVue Consulting Services Inc. c/o Kent Randall
Legal Description:	Part of Lots 6 & 7, Concession 2, Geographic Township of Ops
Designation:	Subdivision: 'Waterfront' and subject to Special Provision 20.7.6; and  Retained: 'Prime Agricultural' and 'Environmental Protection' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	Subdivision: 'Shoreline Residential Exception Two – Holding (RS-2(H)) Zone'; 'Shoreline Residential Exception Three – Holding (RS-3(H)) Zone'; 'Open Space Exception Eight – Holding (OS-8(H)) Zone'; and  Retained: 'Agricultural (A) Zone' and 'Hazard Land (HL) Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30
Lot Area:	72.66 hectares [179.55 acres – MPAC] – Approximately 6.5 hectares for the subdivision lands

Site Servicing:	Proposed private on-site sewage disposal and individual well; drainage swales and ditches
Existing Uses:	Vacant Land – Agricultural; Cemetery; Natural Heritage Features
Adjacent Uses:	North: Agricultural; Natural Heritage East: Scugog River South: Low Density Residential; O'Reilly Lane West: Elm Tree Road; Agricultural

### **Rationale:**

The subject property is located at the north terminus of O'Reilly Lane, between Elm Tree Road on the west side and the Scugog River to the east. See Appendix 'A'. The subject lot is approximately 72.6 hectares, with approximately 6.5 hectares draft approved for a rural residential plan of subdivision. Each residential lot will be privately serviced by an individual well and on-site sanitary sewage system, with swales and ditches to direct drainage. The lots will front on an extension of O'Reilly Lane, which will be constructed with a rural cross-section, including roadside ditches. These applications consider revisions to Block 9, and the two neighbouring lot boundaries (Lots 5 and 6). See Appendix 'B' and 'C'.

The revised draft plan of subdivision and zoning by-law amendment applications were received by the City and deemed complete in September of 2021, as the applications met the technical requirements to be deemed complete. However, at that time, the final details for the cemetery block were not completely resolved and confirmed to the satisfaction of the City, and as such, these applications were placed on hold. During this time, the applicant has been working directly with the City's Engineering and Corporate Assets Department, Community Services Department, and the Planning Division to finalize the required details and confirm the final revised boundaries of Block 9. As these details are now confirmed and finalized with the appropriate City Departments, the applicant has now requested that these amendments be brought forward for Council's consideration.

## **Provincial Policies:**

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):**

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

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

Section 2.2.9 4. of the Growth Plan provides that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include where appropriate, resource-based recreational dwellings for seasonal accommodation. In accordance with Section 2.2.9 6., these lands were designated for development in the appropriate Official Plan (the Township of Ops Official Plan) as of June 16, 2006, and the previous plans approved on that basis in 2017.

On this basis, these applications conform to the Growth Plan.

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

The Provincial Policy Statement, 2020 (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.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). The changes proposed by

these applications will protect the existing cultural heritage feature and will not negatively impact on any natural heritage or hazard features.

On this basis, these applications are consistent with the policies of the PPS.

### **Official Plan Conformity:**

The subject property is designated 'Waterfront', 'Prime Agricultural', and 'Environmental Protection' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan (Official Plan). The subdivision development is located within and corresponds with the 'Waterfront' designation, which permits limited low density residential development and accessory uses. The gravesites within the cemetery block are an existing feature, which the site-specific zoning recognizes and was approved in 2017. These applications only seek to refine the boundaries based on field verification.

The previous subdivision, official plan and zoning by-law amendment applications have demonstrated conformity with the Official Plan policies. The red-line revisions maintain the intent of the policies related to lot creation in the 'Waterfront' designation.

On this basis, conformity with the policies of the Official Plan have been demonstrated.

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

The subject property is zoned 'Agricultural (A) Zone', 'Hazard Land (HL) Zone', 'Shoreline Residential Exception Two – Holding (RS-2(H)) Zone', 'Shoreline Residential Exception Three – Holding (RS-3(H)) Zone', 'Open Space Exception Seven – Holding (OS-7(H)) Zone' and 'Open Space Exception Eight – Holding (OS-8(H)) Zone' in the Township of Ops Zoning By-law 93-30 (the 'Zoning By-law'). The applicant has requested to enlarge the 'OS-8(H)' zone, which will also have the effect of reducing and changing the 'RS-3(H)' zone area and boundaries.

The 'OS-8' zone prohibits residential uses and will only permit a cemetery use. No changes are proposed to the zone provisions; the amendment will simply reconfigure the zone boundary to match the revised cemetery block. The Holding (H) provision has also been removed as it is no longer required for this block. The cemetery block was originally proposed to remain in private ownership. However, based on the legislation governing this cemetery, the City will be assuming ownership of the block at the time of registration of the Subdivision Agreement.

On this basis, full compliance with the provisions of the Zoning By-law have been demonstrated.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

These applications align with the 'Exceptional Quality of Life' priority by continuing to allow a new development, which provides new rural housing lifestyle options, as well as protecting the cultural heritage resource on the property.

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

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there may be costs, some of which may be recovered from the applicant.

### **Servicing Comments:**

Private individual water and sewage services are proposed for the development.

### **Consultations:**

Notice of this application was circulated to agencies and City Departments, which may have an interest in the applications; to persons within a 500 metre radius of the property; and a sign was posted on the property. As of September 2, 2022, we have received the following comments:

### **Public Comments:**

To date, comments have been received from L. White and T. Green. who noted they do not have concerns with the development, subject to 2 provisions: preservation of the cemetery area; and as long as Boulder Street is not used for construction access (due

to noise and destruction of the recently resurfaced road). It was noted they had recently experienced a neighbour conducting extensive work on their property, which involved a large number of sand and gravel trucks over an extended period of time.

Staff have noted that construction access will be required to utilize O'Reilly Lane with access via Boulder Street. However, the existing draft plan conditions require submission of a Construction Management Plan (CMP) as part of the final subdivision clearance. As part of the CMP, staff can request pre and post construction surveys of the existing municipal roads, to ensure that the general public (the ratepayers) are not responsible to cover the cost of any repairs to existing roadways facilitated by the development. In addition, the CMP can address timing and other items to reduce noise and disruption impacts to the existing residents. Should there be minor changes required to the existing draft plan conditions, the Director of Development Services has delegated authority to make these changes, prior to the City and the Developer entering into a subdivision agreement.

**Agency Review Comments:**

June 23, 2022	The Engineering and Corporate Assets Department provided comments to the applicant regarding the 4 <sup>th</sup> Engineering Submission for the subdivision, including comments on behalf of the Community Services Department relating to the proposed cemetery block. These comments indicate the size and configuration of the cemetery block is appropriate to address any required lot grading and drainage concerns.
August 17, 2022	The Engineering and Corporate Assets Department advised they have no further comments regarding the zoning by-law amendment and revised draft plan of subdivision applications.
August 26, 2022	Curve Lake First Nation provided a Level 2 letter, acknowledging receipt of the City's Notice of Public Meeting, requesting a file fee, and noting that this project may require a Special Consultation Framework. The comments have been forwarded to the applicant to address.

## **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 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes Official Plan has also been demonstrated.

The zoning by-law amendment will reconfigure the zoning for the cemetery block to correspond with the changes to Block 9 in the revised draft plan. As noted in the Public Comments section above, the Director of Development Services is able to make minor changes to the existing draft plan conditions, where they are required to implement a draft plan of subdivision approved by Council. It is anticipated that minor changes may be required to address administrative issues, which do not change the intent of the conditions.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application and revised draft plan of subdivision be referred to Council for **Approval**.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Ian Walker, Planning Officer – Large Developments, [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

### **Appendix A – Location Map**



PLAN2022-050  
Appendix A.pdf



Appendix B – Revised Draft Plan of Subdivision 16T-16501, dated August 24, 2021



PLAN2022-050  
Appendix B.pdf

Appendix C – Excerpt showing red-line revisions to Lots 5, 6, and Block 9



PLAN2022-050  
Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



PLAN2022-050  
Appendix D.pdf

<b>Department Head email:</b>	<a href="mailto:rholy@kawarthalakes.ca">rholy@kawarthalakes.ca</a>
<b>Department Head:</b>	Richard Holy, Director of Development Services
<b>Department File:</b>	D06-2021-023 and D05-16-004