



Planning Advisory Committee Report

Report Number: PLAN2022-051

Meeting Date: September 14, 2022

Title: Amend the City of Kawartha Lakes Official Plan and Somerville Zoning By-law 78-45 at 103 Driftwood Village Drive, Somerville – Phillips

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Somerville Zoning By-law, to facilitate the future severance of an existing second dwelling on the property identified as 103 Driftwood Village Drive, Somerville (Phillips)

Type of Report: Public Meeting

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

Recommendations:

That Report PLAN2022-051, **Phillips – Applications D01-2022-005 and D06-2022-023**, be received; and

That PLAN2022-051 respecting Applications D01-2022-005 and D06-2022-023 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted applications for an official plan amendment and zoning by-law amendment for the property identified as 103 Driftwood Village Drive in Somerville. The purpose of these applications is to facilitate the future severance of the property into two separate properties. The property contains two dwellings, with the second dwelling being addressed as 8 Juniper View Drive. Each dwelling is serviced by a separate entrance on the respective municipal road allowance. The request is to:

- a) Amend the Rural land use designation by adding a special exception which permits the future severance in the Rural designation; and
- b) Change the zone category from the 'Rural General (RG) Zone' to the 'Rural Residential Type Two (RR2) Zone' for the entire property, which will later be severed into two separate and distinct properties.

The applicant submitted a Preconsultation application with the City, which was completed in April and May of 2021, and first submitted these applications in April of 2022. All items were received and the applications deemed complete on August 9, 2022.

Owner:	Justin Phillips
Applicant:	EcoVue Consulting Services Inc. c/o Jessica Rae Reid
Legal Description:	Part of Lot 24, Front Range, Geographic Township of Somerville
Designation:	'Rural' on Schedule 'A-7' of the City of Kawartha Lakes Official Plan
Zone:	'Rural General (RG) Zone' on Schedule 'A' of the Township of Somerville Zoning By-law Number 78-45
Lot Area:	1.0 hectare [2.58 acres – MPAC]
Site Servicing:	Existing private services: 1 well servicing both dwellings; 2 on-site sewage systems each servicing one dwelling; and ditches/swales for drainage. A new well is proposed on the severed (8 Juniper View Drive) lot.
Existing Uses:	Low Density Residential (2 single detached dwellings)
Adjacent Uses:	North: Driftwood Village Drive; Rural Residential; Forest East: Juniper View Drive; Vacant Agricultural/Forest South: Rural Residential; Juniper View Drive; Vacant Agricultural/Forest West: Juniper View Drive; Shoreline Residential

Rationale:

The property is located on the south side of Driftwood Village Drive, at the intersections with Juniper View Drive at the east and west ends of the property, to the west of Highway 35 in Somerville. See Appendix 'A'. The subject property is located just east of a shoreline residential neighbourhood with a number of developed shoreline lots containing cottages (vacation detached dwellings); one slightly larger rural residential lot to the immediate south; and larger rural lots to the north and southeast (forested vacant lots or containing one single detached dwelling). See Appendix 'B'.

The property consists of approximately 1.0 hectare, and contains two dwellings constructed circa the 1950s based on Municipal Property Assessment Corporation (MPAC) data. The applicant is applying on behalf of the owner to add a special policy to the existing designation and rezone the property to permit the property to be severed into two lots, each containing one dwelling and associated services. See Appendix 'C'.

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

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated April 27, 2022. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan); the City of Kawartha Lakes Official Plan; and the Township of Somerville Zoning By-law 78-45.
2. Draft Official Plan and Zoning By-law Amendments prepared by EcoVue Consulting Services Inc., dated July 29, 2022.
3. Letter of Opinion Hydrogeological and Servicing Viability prepared by Oakridge Environmental Limited, dated October 26, 2021. The report examines the existing soil and subsurface conditions relating to the potential to install a well and replace the existing on-site sewage systems.
4. Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc., dated November 30, 2021. The report discusses and assesses the historical uses on and around the property.
5. MDS & Entrance Assessment Memo prepared by EcoVue Consulting Services Inc., dated July 21, 2021.
6. Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated November 23, 2021.

All the reports have been circulated to the applicable City Departments and commenting agencies for review and comment. Planning staff are reviewing the Planning Justification Report (PJR) submitted in support of the proposed Official Plan and Zoning By-law Amendments. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment and until such time as all commenting agencies and City Departments comments or concerns have been addressed.

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.

The applicant has submitted the appropriate technical reports for consideration and review. Through the complete review and any appropriate revisions to the technical reports and plans, it is anticipated that conformity with the policies of the Growth Plan should be demonstrated.

Provincial Policy Statement, 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. 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). No natural or man-made hazards have been identified on this property and these applications do not propose any further development in the natural heritage features located on the lot.

The applicant has submitted the appropriate technical reports for consideration and review. Through the complete review and any appropriate revisions to the technical reports and plans, it is anticipated that consistency with the policies of the PPS should be achieved.

Official Plan Conformity:

The subject property is designated 'Rural' on Schedule 'A-7' of the City of Kawartha Lakes Official Plan (Official Plan). Residential lot creation (severance) in the Rural designation is only permitted for the following (subject to criteria):

- a) Dwellings that become surplus as a result of a consolidation of abutting farm parcels;
- b) Dwellings that become surplus as a result of a consolidation of non-abutting farm parcels; or
- c) A residential lot for a farmer who is retiring.

The proposal does not conform to the policies for any of the three purposes above, as such, a site-specific policy amendment is proposed. The applicant provided a Planning Justification Report (PJR) outlining the rationale for the request. Due to time constraints, Planning staff have not been able to complete a comprehensive review of the PJR and related materials, but note the following general considerations identified by the PJR:

- The property contains two existing dwellings; no new residential uses are proposed;
- The owner has been renting out the second dwelling, and has deemed it surplus to their needs (no longer wishes to rent it out);
- The proposed severance was not identified to impact any existing agricultural operations; and

- The proposed severance is consistent with and conforms to applicable provincial policy.

The severance, as proposed, would create one new residential lot but not result in the creation of new residential development. The proposed severed lot is 2,000 square metres, and the proposed retained lot is 8,000 square metres. The intent of the surplus farm dwelling policies is for a residential lot to be between 4,000 square metres and 1.0 hectare. Further analysis and consideration is required.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Further evaluation of the application and its conformity with the Official Plan will be included in a future report.

Zoning By-Law Compliance:

The lot is zoned 'Rural General (RG) Zone' in the Township of Somerville Zoning By-law 78-45 (Zoning By-law). The minimum lot area and frontage requirements of the 'RG' zone are 10 hectares and 230 metres respectively. The applicant has requested to change the zone category to the 'Rural Residential Type Two (RR2) Zone' to facilitate the severance of the lot. The minimum lot area and frontage requirements of the 'RR2' zone are 2,000 square metres and 30 metres respectively.

The existing property fronts on Driftwood Village Drive and Juniper View Drive. Both road allowances are owned by the City; however, they are not considered to be 'improved public streets', as defined by the Zoning By-law. In accordance with Section 18.8.1 of the Zoning By-law, both the 'RG' and 'RR2' zones require frontage on an improved public street for any building or structure to be erected. Notwithstanding subsection 18.8.1, a building or structure may be erected and used on the following lots which do not have frontage on an improved public street:

- a. an island lot in a residential zone category;
- b. a lot within a registered plan of subdivision in which the street has not been assumed by the Municipality but in which the street is to be assumed under the terms of a subdivision agreement; and
- c. a lot within the 'Limited Service Residential' or a 'Limited Service Residential Exception' Zone.

The applicant has submitted the appropriate technical reports and background studies to review compliance with the Zoning By-law. Additional review of the requested Zoning By-law Amendment is required, to confirm the proposal will comply with the Zoning By-law and establish the appropriate development standards through an exception zone, if required.

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 may align with the 'Exceptional Quality of Life' priority by potentially providing new housing stock through the conversion of a seasonally rented dwelling into a permanent rural dwelling.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments 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:

The property is currently serviced with private individual services, including one well and two on-site sewage systems. One new private well is proposed.

Consultations:

Notice of these applications 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, no public comments have been received.

Agency Review Comments:

August 18, 2022	The Building and Septic Division advised the sewage systems will service the residential dwellings associated with the property and will be wholly contained within the new properties boundaries. A proposal to zone the property to Rural Residential Type 2 will conform the sewage system use. The Part 8 Sewage System program has no issue with the OPA and Zoning Amendments as they relate to private on-site sewage disposal.
August 18, 2022	The Engineering and Corporate Assets Department advised they have no objection to the proposed Official Plan and Zoning By-law amendments from an engineering perspective.
August 24, 2022	The Public Works – Roads Division advised that they do not generally review entrance applications for Unassumed or private roads, but advised that the roads do receive a minimal level of maintenance through the Seasonal Level of Service program. They noted that if a drainage issue were to arise, it will be noted through the annual inspection and require action prior to servicing through that program.
August 30, 2022	Kawartha Conservation advised they have no concern with approval of these applications based on a review of natural heritage, natural hazards and water resources provided the development and all related activities will not impact the natural features present on the property. They also advised most of the property is regulated, and any on-site works will require a permit from Kawartha Conservation under Ontario Regulation 182/06.
August 31, 2022	The Building and Septic Division has no comments.
September 2, 2022	The Ministry of Transportation Ontario (MTO) advised the property is not under permit control, and has no issues with the applications.

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. Staff recommends that the applications be referred back to staff until such time as all comments and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all comments and concerns have been addressed.

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 or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2022-051
Appendix A.pdf

Appendix B – 2018 Orthophoto showing existing development



PLAN2022-051
Appendix B.pdf

Appendix C – Proposed Consent Sketch, dated January 4, 2021



PLAN2022-051
Appendix C.pdf

Department Head email: rholy@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D01-2022-005 & D06-2022-023