



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2022-065</b>
<b>Meeting Date:</b>	October 12, 2022
<b>Title:</b>	<b>City of Kawartha Lakes Official Plan Amendment for 273 County Road 30, Verulam</b>
<b>Description:</b>	To amend the City of Kawartha Lakes Official Plan to permit a severance of the subject lands.
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Jonathan Derworiz, Planning Officer – Large Developments & Urban Design

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### Recommendations:

**That** Report PLAN2022-065, **City of Kawartha Lakes Official Plan Amendment for 273 County Road 30, Verulam**, be received for information; and

**That** the application respecting the proposed Official Plan Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

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

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

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

## **Background:**

The lands known as 273 County Road 30 in the former Township of Verulam are owned by Charles and Janet Thomson. Under the City of Kawartha Lakes Official Plan (Official Plan), the lands are designated as Rural and Environmental Protection and zoned General Rural (A1) Zone under the Township of Verulam Zoning By-law 6-87 (Zoning By-law) (Appendix A). The site contains a single detached dwelling, detached accessory building, and natural heritage features including grasslands, woodlands and unevaluated wetlands (Appendix B). The applicant is proposing to amend the Official Plan to facilitate a severance of the described single detached dwelling and detached accessory building.

Owner:	Janet and Chuck Thomson
Applicant:	EcoVue Consulting Services Inc. c/o Beverly Saunders
Legal Description:	Concession 3, Lot 16, geographic Township of Verulam
Official Plan:	City of Kawartha Lakes Official Plan – Rural and Environmental Protection
Zoning:	Township of Verulam Comprehensive Zoning By-law No. 6-87
Area:	Approximately 25.38 ha
Site Servicing:	Private water, sanitary and storm sewer services
Existing Uses:	Residential
Adjacent Uses:	North: Woodlands and Wetlands East: Rural lands West: Rural lands and residential South: Rural lands and residential

## **Rationale:**

### **Proposal:**

The proposal consists of amending the Official Plan to permit severing approximately 0.456 ha of an existing 25.38 ha lot for residential purposes. The severance would carve out a single detached dwelling and detached accessory building from the larger lot and would have a frontage of approximately 98.73 m on County Road 30. In support of this application, the following materials have been submitted:

- 1) Planning Justification Report (May 2022), prepared by EcoVue Consulting Services Inc. This Report describes the proposed Official Plan amendment and an evaluation of the application as it aligns with the Provincial Policy Statement, Growth Plan, and Official Plan.
- 2) Agricultural Impact Brief and Minimum Distance Separation Analysis (April 2022), prepared by Clark Consulting Services. This report provides a review of potential impacts to agricultural lands and the Ontario Ministry of Agricultural, Farming and Rural Affairs' Minimum Distance Separation criteria. This study is under review.
- 3) Environmental Impact Study (February 2022), prepared by Cambium. This study address potential negative impacts to natural heritage features founding during the preliminary review process.
- 4) Entrance Memorandum (March 2022), prepared by Roy L. Haig. This memo describes compliance with City of Kawartha Lakes By-Law 2017-151 A By-law to Regulate Access to Municipal Right of Ways in the City of Kawartha Lakes.
- 5) Consent Sketch (April 2022), prepared by EcoVue Consulting Services Inc.
- 6) Survey (February 2022), prepared by Coe Fisher Cameron.
- 7) Topographic Survey (February 2022), prepared by Coe Fisher Cameron.

## **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 between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

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 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. Furthermore, the severed lot would fit within the existing land use fabric. From this perspective, staff feel that the proposed consent is locally appropriate.

Policies 1.1.5.4, 1.1.5.5 and 1.1.5.8 prescribe additional criteria for determining the appropriateness of the application. This includes, that the development is compatible with the rural landscape and can be sustained by rural service levels, development shall be appropriate to the infrastructure which is planned or available and new lots shall comply with the minimum distance separation formulae. Staff feel that, based on the AIB and MDS analyses provided, adequate servicing capacity, and no requirement to enhance County Road 30, the proposed Official Plan amendment demonstrates compliance with the Rural Lands policies set out in the PPS.

### **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 site contains two watercourses: one permanent wetland and one intermittent wetland, which are considered Key Hydrologic Features under the Growth Plan. As such, policies under Section 4.2.3 and 4.2.4 apply.

The materials submitted in support of the application indicate that the proposed severed lot and the proposed building envelope on the retained site are both outside of the described Key Hydrologic Features thus demonstrating compliance with 4.2.3.1.

Section 4.2.4 contains provisions for development adjacent to Key Hydrologic Features. The proposed severed and retained lots are both within the 120m buffer prescribed by this Section and, as per 4.2.4.1, a study identifying mitigation measures is required. The Environmental Impact Study submitted in support of this application prescribes

mitigation measures, which have been vetted and accepted by the Kawartha Region Conservation Authority.

In consideration of the above, staff feel that conformity with the applicable policies of the Growth Plan has been demonstrated.

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

The subject land is designated Rural and Environmental Protection under the Official Plan. Generally, lot severances in the Rural designation are limited to surplus dwellings as a result of consolidation and residential lots for retiring farmers. An amendment to the Official Plan is required to permit the proposed severance. In reviewing the Planning Justification Report submitted in support of this application, staff note and accept the opinion expressed that the intention of the Rural severance policies is to prevent fragmentation of agricultural lands in the municipality. Staff also note and accept the conclusion noted in the Agricultural Impact Brief that, with the subject lands being comprised of thick vegetation, woodlands and wetlands, the subject lands are not ideal for agricultural uses.

The Environmental Protection designation prescribed by the Official Plan delineates the previously described natural heritage features. With no development proposed within the Environmental Protection designation and sufficient lot area for development under the Rural designation permitted by-way of the proposed amendment, staff feel that the proposal complies with the policies within Section 17 of the Official Plan.

### **Township of Verulam Comprehensive Zoning By-law 6-87:**

The property is currently zoned General Rural (A1) Zone under the Verulam Zoning By-law, which permits a single detached dwelling provided the zone provisions can be met. Below is a chart describing A1 Zone requirements for a single detached dwelling, contemplation for the severed lot and potential building envelope on the retained lot.

	<b>A1 Zone</b>	<b>Severed Lot</b>	<b>Retained Lot Potential Building Envelope</b>	<b>Compliance</b>
Minimum Lot Area	Maximum of 1 ha	0.456 ha	25.84 ha	Yes
Minimum Lot Frontage	36m	98.73m	359.13m	Yes
Minimum Front Yard Depth	10m	20.16m	86.06m	Yes
Minimum Exterior Side Yard Width	10m	N/A	>400m	Yes
Minimum Interior Side Yard Width	3m	15.23m/55.46m	108.94m	Yes
Minimum Rear Yard Depth	10m	16.28m	64.77m	Yes
Minimum Dwelling Unit Area	85 m <sup>2</sup>	169.98 m <sup>2</sup>	300 m <sup>2</sup>	Yes
Maximum Lot Coverage	10%	3.7%	< 1%	Yes

Based on staff's analysis of the zone and zone provisions, the proposed Official Plan Amendment and subsequent severance would not result in any regulatory non-compliance and can therefore be supported without the need for a zoning amendment.

### **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:**

Prior to the Statutory Public Meeting, 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:**

No public comments have been received at the time of report writing.

### **Agency Review Comments:**

Building and Septic Division, December 2021: no concerns with the proposed Zoning By-law Amendment.

Development Engineering Division, September 2022: The Transportation Master Plan provides for collector and arterial roads to have a minimum of 26.0 metre width. County Road 30 is identified as an arterial road and therefore a 3 metre road widening along CKL Road 30 frontage is required as per the City's Transportation Master Plan. A Reference Plan is required.

Kawartha Region Conservation Authority, September 2022: Based on our consideration for natural heritage, natural hazards, and water resources, Kawartha Conservation has no concern with the approval of D01-2022-007 provided that the recommendations in the Environmental Impact Study Impact Assessment and Mitigation Measures (Section 5.0) be implemented to minimize negative impacts to the surrounding natural features.

A permit pursuant to Ontario Regulation 182/06 will be required prior to any onsite works.

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

The comments contained above from the Engineering Division and KRCA will be implemented as conditions of approval for the consent application.

Staff feel that the proposal demonstrates conformity with key sections of the PPS, Growth Plan and Official Plan but cannot form a recommendation until technical reviews are complete and comments are received.

## **Conclusion:**

Staff respectfully recommend that, until all technical and agency reviews are complete and comments addressed, the application be referred back to staff for further processing.

## **Attachments:**

### **Appendix 'A' – Location Plan**



Appendix A.pdf

### **Appendix 'B' – Aerial Photo**



Appendix B.pdf

### **Appendix 'C' – Consent Sketch**



Appendix C.pdf

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**Department Head:** Richard Holy, Director of Development Services

**Department File:** D01-2022-007