



Planning Advisory Committee Report

Report Number:	PLAN2023-046
Meeting Date:	September 13, 2023
Title:	Township of Eldon Zoning By-law Amendment for 1323 County Road 46
Description:	To amend the Township of Eldon Zoning By-law 94-14 to recognize zoning deficiencies of the proposed severed and retained lots in support of a future consent application
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Senior Planner, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2023-046, **Township of Eldon Zoning By-law Amendment for 1323 County Road 46**, be received;

That a Zoning By-law, respecting application D06-2023-016, substantially in the form attached as Appendix D to Report PLAN2023-046 be approved for adoption by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject site, known as 1323 County Road 46, in the Township of Eldon currently contains one single detached dwelling, one garage and one shed. Under the City of Kawartha Lakes Official Plan, the subject site is designated as Hamlet Settlement Area (Hamlet of Lorneville) and is currently zoned as Agricultural Exception Three (A1-3) Zone in the Township of Eldon Zoning By-law. The applicant is proposing to rezone the subject site from the Agricultural Exception Three (A1-3) Zone to the Hamlet Residential (HR) Zone.

Owner:	Anton Rodin
Applicant:	EcoVue Consulting Services Inc., c/o Kent Randall
Legal Description:	Concession 2, Lot 6, geographic Township of Eldon, 1323 County Road 46, now City of Kawartha Lakes
Official Plan:	Hamlet Settlement Area, City of Kawartha Lakes Official Plan
Zoning:	Agricultural Exception Three (A1-3) Zone – Township of Eldon Zoning By-law 94-14
Area:	Approximately 1.25 hectares
Site Servicing:	Private water, septic
Existing Uses:	One single detached dwelling, one garage and one shed
Adjacent Uses:	North – Agricultural East – Residential, Agricultural South – Residential West – Agricultural

Rationale:

Proposal:

The applicant is proposing to rezone the subject site from the Agricultural Exception Three (A1-3) Zone to the Hamlet Residential (HR) Zone, to recognize zoning deficiencies of the subject site in support of a future consent application to create one severed, and one retained lot. The following materials were submitted in support of the application:

- 1) Planning Rationale Report (March 2023), prepared by EcoVue Consulting Services Inc. The report provides of review of the proposed zoning by-law amendment and its alignment with the Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020, the City of Kawartha Lakes Official Plan 2012 and the Township of Eldon Zoning By-law. Also included within the report is a groundwater capacity assessment memo, and correspondence with City Staff regarding the groundwater capacity assessment.
- 2) Consent Sketch (March 2022), prepared by EcoVue Consulting Services Inc.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS provides for appropriate development while protecting resources of provincial interest, public healthy and safety, and the quality of the natural and built environment.

The subject site is located within the settlement area of Lorneville. As such, Section 1.1.3 of the PPS applies. Section 1.1.3.1 states that settlement areas shall be the focus of growth and development. Section 1.1.3.2 provides that "land use patterns in settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the impacts of a changing climate;
- e) Support active transportation;
- f) Are transit supportive, where transit is planned, exists or may be developed; and,
- g) Are freight supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria policy in 1.1.3.3, where this can be accommodated."

With regards to efficiently using land and resources, staff feel that the zoning by-law amendment in support of a future consent application to create one severed and one

retained lot represents efficient use of land. While the subject site is currently occupied by a residential dwelling, garage and shed, there is a large portion of the property, approximately 0.45 hectares, that is vacant (the proposed severed lot).

Section 1.6.6 of the PPS provides direction on planning for sewage, water and stormwater. Section 1.6.6.3 states that, "Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety."

With regards to services, staff believe that there is sufficient water capacity in the vicinity and that there is space on the proposed severed lot to accommodate a private well and septic based on the groundwater capacity assessment.

Staff believe this satisfies the policies of the PPS.

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

In order 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, 2020 (Growth Plan).

Section 2.2.1.2(a) of the Growth Plan directs that, "the vast majority of growth will be directed to settlement areas that:

- i) Have a delineated built boundary;
- ii) Have existing or planned municipal water or waste water systems; and
- iii) Can support the achievement of complete communities."

Section 2.2.1.(b) goes on to indicate that growth will be limited in settlement areas that:

- i) Are rural settlements;
- ii) Are not serviced by existing or planned municipal water and wastewater systems; or
- iii) Are in the Greenbelt Area.

Section 2.2.1.4(c) states that applying the policies to support achievement of complete communities that "provide a diverse range and mix of housing options". Staff feel that as the subject site is located in the settlement area of Lorneville, and while it is in a

rural area, the proposal is appropriate given the local context, will be adequately serviced by private facilities.

Staff feel that this satisfies the policies of the Growth Plan.

City of Kawartha Lakes Official Plan:

The subject site is designated as Hamlet Settlement Area in the City of Kawartha Lakes Official Plan. As per Section 19.1, the purpose of the Hamlet Settlement Area designation is to recognize existing hamlets and support their function for providing limited residential, social and commercial needs of the rural area, and is intended to accommodate small-scale residential and non-residential development within existing settlement areas. Section 19.3.5 states that "subject to allowing for access for future development in depth, consents may be permitted when the lot fronts onto an existing road". Section 19.3.13 states that, "the minimum lot size should be 4,000 sq.m when individual services are provided."

- 1) Per Section 3.3.1 and 3.3.4, Staff is satisfied that there is sufficient water supply available by a private well to service the proposed severed lot. The proposed severed lot has been configured to accommodate a single detached dwelling with individual private septic and well services.
 - A Groundwater Capacity Assessment was conducted by EcoVue to ensure adequate water supply by means of a private well. Based on the findings of the assessment, the proposed private well can provide sufficient water for the proposed residence.
- 2) Per Section 3.3.8 (c), Staff is satisfied that management of stormwater run-off can be handled appropriately. The lot is relatively flat and as such Staff believe that the necessary drainage ditches and/or other stormwater management measures can be accommodated on the subject site. Staff recommends that a lot grading and drainage plan be prepared as a condition of consent.
- 3) Staff is satisfied that the proposed severed lot, complies with the Hamlet Settlement Area designation of the Official Plan. The lot fronts onto a public road, complying with Section 19.3.5. In addition, both the proposed severed and the retained lots maintain the minimum lot size requirement of 4,000 sq.m. as outlined in Section 19.3.13. Staff feel that the proposed severed lot, configured to accommodate an additional single family residential dwelling supports Section 19.1 through providing a limited contribution to residential needs of the area,

and represents accommodating small scale residential development within an existing settlement area.

Staff feel that this application conforms to the applicable policies of the Official Plan.

Township of Eldon Comprehensive Zoning By-law 94-14:

The subject site is currently zoned Agricultural Exception Three (A1-3) in the Township of Eldon Zoning By-law 94-14. The subject site is a large lot, approximately 1.26 hectares (12,608.97 sq.m.) in size, with frontage on County Road 46. In support of a future consent application to create one severed and one retained lot, the applicant is proposing to rezone the subject site from Agricultural Exception three (A1-3) Zone, to the Hamlet Residential (HR) Zone. The rezoning from A1-3 to HR will permit and recognize the rural residential uses, and the reconfigured lot area and frontage for both the proposed severed and retained parcels.

The retained and the severed lot will meet the minimum lot area and lot frontage requirements of the HR Zone. The retained lot will meet all regulations of the HR Zone. The severed lot, while currently vacant, will be able to accommodate all HR Zone requirements including but not limited to maximum lot coverage, maximum density, and minimum yard requirements.

Staff feel that the rezoning in support of a future consent application is appropriate and satisfies the requirements of the Township of Eldon Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This application aligns with Good Government in an effort to improve on service efficiency and processes related to a future consent application. The proposal will also provide rural housing options for the City's residents.

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:

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

Agency Review Comments:

Supervisor, Part 8 Sewage Systems, Building Department (August 2023) – At this time a full evaluation of the property has not been completed for the consent proposal. However, the property is currently serviced by a private on-site sewage disposal system and there is adequate space to replace this system for a hamlet residential service. As such, the Building and Septic Division has no concerns with the proposed zoning amendment as it relates to private on-site sewage disposal.

Engineering Department (August 2023) – From an engineering perspective, we have no objection to the proposed Zoning By-law Amendment.

Lake Simcoe Region Conservation Authority (August 2023) – We note that a small portion of the existing lot (proposed retained lands) is regulated for meanderbelt hazards associated with the Beaver River (see attached). At this time, it does not appear that the proposed development will have an impact on the nearby natural heritage features or be considered as 'Major Development' as per the Lake Simcoe Protection Plan (LSPP).

Enbridge Gas (August 2023) – No objections to the proposed application.

Development Services – Planning Division Comments:

Staff feel that the application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. Staff also feel that the application conforms to the policies of the Official Plan.

The subject site is currently zoned as Agricultural Exception 3 (A1-3), and is proposed to be rezoned to Hamlet Residential (HR) Zone. The proposed zoning by-law amendment contained in Appendix D will recognize the rural residential uses as a result of the proposed severance. The rezoning will recognize the reconfigured lot area, frontage and setbacks for the severed and retained parcels. Staff feel that the rezoning is appropriate.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of August 29, 2023. Staff respectfully recommends the application 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 call Jonathan Derworiz, Senior Planner, (519) 904-1761.

Appendix 'A' – Location Plan



Appendix A (Location Map).pdf

Appendix 'B' – Aerial Photo



Appendix B (Aerial).pdf

Appendix 'C' - Site Plan



Appendix C (Site Plan).pdf

Appendix 'D' – Zoning By-law Amendment



PLAN2023-046_Appendix D (ZBA).docx

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-013