



Planning Advisory Committee Report

Report Number:	PLAN2023-065
Meeting Date:	November 29, 2023
Title:	Draft Plan of Subdivision and rezoning on Valley Road – Harvest Moon
Description:	To rezone portions of the land from the “Rural Residential Type Two (RR2) Zone” and “Rural Residential Type Two Exception Four (RR2-4) Zone” to the “Environmental Protection (EP) Zone”, and “Open Space Exception XX (OS-XX) Zone” to facilitate a revision to the previously draft approved 51-lot plan of subdivision known as the Harvest Moon Subdivision. - D06-2023-026 and D05-2023-006
Type of Report:	Public Meeting
Author and Title:	Matt Alexander, Practice Lead, RPP, MCIP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report **PLAN2023-065, Draft Plan of Subdivision and Township of Emily By-law Amendment** for Part of Lot 4, Concession 12 on Valley Road, be received for information; and

That Report **PLAN2023-065, Draft Plan of Subdivision and Township of Emily Zoning By-law Amendment** for Part of Lot 4, Concession 12 on Valley Road, be referred back to Staff for processing until review of the technical studies has been completed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a Draft Plan of Subdivision and Zoning By-law Amendment application to re-zone the lands located at Part of Lot 4, Concession 12, geographic Township of Emily on Valley Road (subject lands). The subject lands include hayfield/abandoned pasture and old field meadow and several small wetland areas. Proposed by the applicant is a revision to the previous draft approved 51-lot plan of subdivision. The proposed amendment to the Township of Emily Zoning By-law (Zoning By-law) would rezone portions of the land to facilitate a Minimum Distance Separation arc and a stormwater management block. The subject lands are designated as Development Plan Area Nine, Environmental Protection with Significant Woodlands, Provincially Significant Wetlands, and Unevaluated Wetlands under the City of Kawartha Lakes Official Plan (Official Plan). The subject lands are zoned Rural Residential Type Two (RR2) Zone, Rural Residential Type Two Exception Four (RR2-4) Zone, Agricultural (A1) Zone and Environmental Protection under the Township of Emily Zoning By-law.

Owner:	Harvest Moon Estates Inc.
Applicant:	TD Consulting Inc.
Legal Description:	Part of Lot 4, Concession 12, geographic Township of Emily, now City of Kawartha Lakes
Official Plan:	Development Plan Area Nine, Environmental Protection with Significant Woodlands, and Provincially Significant Wetlands Unevaluated Wetlands in the City of Kawartha Lakes Official Plan
Zones:	Rural Residential Type 2 (RR2) Zone, Rural Residential Type 2 Exception Four (RR2-4) Zone, Agricultural Zone (A1) Zone, and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30
Site Size:	Total – Approximately 26 hectares (64.27 acres)
Site Servicing:	Private well and septic services, proposed block for a stormwater management dry detention pond

Rationale:**Proposal:**

Proposed by the applicant is a revised draft plan of subdivision that would reduce the previous draft plan subdivision known as the Harvest Moon Subdivision from 51 lots to 21 lots. To facilitate the revision, the applicant proposes to rezone portions of the land from the "Rural Residential Type Two (RR2) Zone" and "Rural Residential Type Two Exception Four (RR2-4) Zone" to the "Environmental Protection (EP) Zone", and "Open Space Exception XX (OS-XX) Zone". The following materials were submitted to support the applications;

1. Planning Justification Report (Revised), Dated October 2022, prepared by EcoVue Consulting Services Inc. This report provides a review of the proposed development 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, and the Township of Emily Zoning By-law 1996-30.
2. Stage 1 Archeological Assessment, Dated March 2023, prepared by Earthworks Archaeological Services Inc. This report details the findings of the Stage 1 Archeological Assessment conducted on site.
3. Stormwater Operations and Maintenance Manual, Dated May 2023, prepared by BaseTech Consulting Inc. This document details a thorough maintenance program for stormwater management and effective stormwater facility function.
4. Stormwater Management Report, Dated May 2023, prepared by BaseTech Consulting Inc. This report examines the impact the proposed development will have on the run-off and sedimentation from the site, and proposed mitigation measures.
5. Geotechnical Report, Dated August 2021, prepared by Toronto Inspection Ltd. This report details the findings of the geotechnical investigations on site to determine the subsoil and groundwater conditions as it relates to design and construction.
6. Minimum Distance Separation Report, Dated April 2018, prepared by Clark Consulting Services. This report details the Minimum Distance Separation considerations for the proposed subdivision.
7. Functional Servicing Report, Dated May 2023, prepared by BaseTech Consulting Inc. The report details how the development will be serviced.
8. Site Plan Cost Estimate, Dated May 2023, detailing anticipated construction costs.
9. Traffic Brief, Dated December 2022, prepared by D.M. Wills Associates Limited. This report examines the existing road network, traffic counts and potential impacts to the proposed, and surrounding road network as a result of the proposed development.

10. Hydrogeological Assessment – Update, Dated February 2023, prepared by GHD. This report examines the findings of the hydrogeological investigation to assess suitability of the property for the proposed development.
11. Environment Impact Study, Dated February 2023, prepared by GHD. This report provides an overview of environmental on-site investigations as it relates to impacts to natural heritage features and identified wildlife species as a result of the proposed development.
12. Draft Plan of Subdivision, Dated October 2022, prepared by TD Consulting INC. This details the proposed plan of subdivision configuration.
13. Draft Plan of Subdivision General Notes, Dated September 2020, prepared by BaseTech Consulting Inc.
14. Topographic Survey, Dated June 2020, prepared by IBW Surveyors.
15. Pre and Post-Development Drainage Plans, Dated September 2020, prepared by BaseTech Consulting Inc.
16. General Plans, Dated September 2020, prepared by BaseTech Consulting Inc.
17. Grading Plans 1-6, Dated September 2020, prepared by BaseTech Consulting Inc.
18. Plan and Profile Drawings 1-3, Dated September 2020, prepared by BaseTech Consulting Inc.
19. Erosion and Sediment Control Plans 1-2, Dated September 2020, prepared by BaseTech Consulting Inc.
20. Plan of Survey, Dated April 24, 2023, prepared by IBW Surveyors.
21. Complete Application form for Zoning By-law Amendment.
22. Complete Application form for Draft Plan of Subdivision.

Provincial Policies:

Provincial Policy Statement, 2020 (PPS)

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 policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Policy 1.1.5.1 states that when directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Policy 1.1.5.2 states that permitted uses on rural lands located in municipalities includes residential development that is locally appropriate. The subject lands are in

Development Plan Area Nine (DP-9) Historic Rural Residential Designation which prescribes the predominant form of housing development to be relatively large, single family detached homes on large lots. The lots within the proposed subdivision conform to the standards of what has been defined as locally appropriate for the municipality and therefore conforms with the PPS.

Policy 1.1.5.8 provides that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. The subject lands are within 1,500 meters of ten (10) vacant, dilapidated, or underutilized livestock facilities. The applicant has submitted a Minimum Distance Separation (MDS) Calculation Report and has proposed a setback arc which acknowledges the required MDS for a residential development in proximity to agricultural livestock.

Further, Policy 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.

Policy 1.6.6.7 states that planning for stormwater management shall:

- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development

The applicant has submitted several technical reports including: Stormwater Operations and Maintenance Manual, Stormwater Management Report, and Geotechnical Report. Further conformity with the PPS will be evaluated following the review of technical materials.

**A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019
(Growth Plan)**

Policy 2.2.9.3 prescribes criteria with regards to new lot creation outside of Settlement Areas, specifically that the uses must be compatible with the surrounding rural landscape, sustained by rural service levels, and will not adversely affect the protection of agricultural uses or other resource-based uses. Policy 2.2.9.6 lays out the framework for lands within rural areas that are identified with approved zoning or official plan designations for residential use. The Official Plan came into effect in 2012 and the designation for the subject lands is Development Plan Area Nine (D-9) which supports single detached dwellings, which is the form of housing proposed by the draft plan of subdivision.

Policy 3.2.7.2 prescribes criteria for proposals for large-scale development proceeding by way of a plan of subdivision that are supported by a stormwater management plan. The application proposes a zoning by-law amendment that would facilitate the establishment of a stormwater management block that will support the residential development. The applicant has provided a stormwater management plan that is under review.

Policy 4.2 lays out the framework for Key Natural Heritage Features and prescribes the long-term approach to planning for the protection of the region's natural heritage and biodiversity. Under the Official Plan, the subject lands are outside of the Settlement Area and are designated Environmental Protection with Significant Woodlands, Provincially Significant Wetlands, and Unevaluated Wetlands. Policy 4.2.3.4 states that outside of settlement areas, proposals for large-scale development proceeding by way of plan of subdivision may be permitted within a key hydrologic area where it is demonstrated that the hydrologic functions, including the quality and quantity of water, of these areas will be protected and, where possible, enhanced or restored through:

- a) the identification of planning, design, and construction practices and techniques; and
- c) meeting any applicable provincial standards, guidelines, and procedures.

The applicant has submitted an Environmental Impact Study to demonstrate how the proposed development will conform with standards of development for lands that have significant natural heritage features. Further conformity with the Growth Plan will be evaluated following the review of technical materials.

City of Kawartha Lakes Official Plan (Official Plan):

The subject land is designated Development Plan Area Nine (DP-9) Historic Rural Residential Designation, Environmental Protection with Significant Woodlands, Provincially Significant Wetlands and Unevaluated Wetlands in the Official Plan.

Section 31 prescribes the type of housing development that shall be permitted within the DP-9 designation. Section 31.17.1 states that residential development shall include relatively large, single detached homes on large lots. Further, Section 31.17.7 states the principle of low-density rural estate type development shall be maintained by establishing a minimum lot area consistent with the natural characteristics of the site, having particular regard for tree cover, topography and a sense of privacy on individual lots. The lot size may range from 0.4 hectares to 2 hectares (1 to 5 acres). The proposed draft plan of subdivision includes 21 single-detached lots that are 5638.5 sq metres (0.56 hectares), in conformity with the Official Plan.

Servicing requirements are prescribed in Section 31.17.3 which states that development should only be established where soil and drainage conditions ensure a suitable water supply and an adequate means of waste disposal. The application for a draft plan of subdivision has been accompanied by an application to amend the zoning by-law to permit a stormwater management block. The relevant studies are currently under review.

Section 31.17.9. states that the development should be serviced by an internal road network. The applicant has submitted a Traffic Brief, which is currently under review.

This application proposes no change to the existing permitted land uses, and any potential conflicts with the MDS formulae for agricultural livestock will be addressed through the zoning by-law amendment.

In accordance with requirements to assess the impact of development on Significant Woodlands and Wetlands as outlined in Section 3.5., the applicant has submitted an Environmental Impact Study which is currently under review. Further conformity with the Official Plan will be evaluated following the review of technical materials.

Zoning By-law Review:

The subject land is zoned Rural Residential Type Two (RR2) Zone and Rural Residential Type Two Exception Zone Four (RR2-4) Zone in the Township of Emily Zoning By-Law 1996-30. The subject land is approximately 26 hectares in size. The subject site has frontage on Valley Road. At the time of the application, the applicant has confirmed that

the proposed development will comply with the minimum requirements for the lot area and lot frontage as well as the maximum requirements for density as it relates to the maximum number of dwelling units per lot.

The applicant indicated in the Planning Justification Report that the proposed development will comply with all the other minimum requirements. The following table describes how the proposed development will comply with the Zoning By-Law:

	RR2 Zone	RR2 Zone (Proposed)
Minimum Lot Area	(b) Individual water supply and sewage disposal - 2000 sq. m	Min 5638.5 sq. m
Minimum Lot Frontage	(b) Individual water supply with no shore lot line – 30 m	Min 40 m
Minimum Front Yard	7.5 m	-
Minimum Interior Side Yard	3 m	-
Minimum Exterior Side Yard	7.5 m	-
Minimum Rear Yard	7.5 m	-
Maximum Lot Coverage	30%	-
Maximum Building Height	11 m	-
Minimum Gross Floor Area	(a) per dwelling (min.) 93 sq. m (b) first storey of dwelling 65 sq. m	-
Minimum Landscaped Open Space	25%	
Water Setback	30 m	
Density (max. dwelling unit per lot)	1	1 dwelling unit per lot

The applicant will need to meet the remainder of the zoning by-law provisions relating to site layout and building size at the Building Permit submission stage.

To accommodate the proposed development, the applicant proposes that portions of the site be rezoned to Open Space Exception (OS-XX). The Exception Zone is proposed to recognize the stormwater management block as a permitted use in the RR2 Zone and to recognize the Minimum Distance Separation buffer on the northeast side of the site. The rationale for the OS-XX is as follows:

Stormwater Management Block

The RR2 Zone does not permit a stormwater management pond. To facilitate the development, the proposed draft plan of subdivision has included a stormwater management block on the southeast corner of the lot.

Minimum Distance Separation from Livestock Facility

The proposed development is required to comply with the Minimum Distance Separation (MDS) radius from a Livestock Facility, Land Use Type "B". The applicant submitted a supporting study prepared by Clark Consulting Services to address the MDS requirements.

The report states there are a total of ten (10) barns within 1,500 metres of the subject lands, including one vacant barn on the subject property. This barn would be demolished to accommodate the proposed development. A vacant barn located north of the subject lands at 67 Valley Road, generated a MDS setback that was defined as "greater than the setback from the subject lands" and may have an "area of influence extending up to 172 m into the subject lands". Despite the barn being vacant, it was deemed capable of accommodating up to 15 horses. To accommodate the development, the applicant has defined this area of influence identified by the MDS calculation as a setback arc that will create an open space area on the subject land.

Staff feel that the proposed uses are appropriate within the Rural Residential Type Two (RR2) Zone. Further review of the internal operation of the site, including operating requirements for the stormwater management block, is required before a final zoning by-law can be brought forward for approval.

Other Alternatives Considered:

No other alternatives have been considered at this time.

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 would align with Healthy Environment by providing appropriate protection for natural features on the property together with rural housing options.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Consultations:

Notice of this application was circulated to persons within a 500-metre radius, agencies, and City Departments which may have an interest in the application. The notice incorrectly referenced 72 Valley Road as the subject site, however the circulation was completed correctly. Staff were advised of this issue and took measures to address the matter with the applicant and affected residents.

Public Comments:

No comments from the public were received at the time of report writing.

Agency Comments:

At the time of writing this report no comments were received.

Development Services – Planning Division Comments:

Staff feel that the proposed development of Part of Lot 4, Concession 12, geographic Township of Emily has merit from a land use and policy perspective while noting that technical reviews are underway. Conformity with the PPS, Growth Plan and Official Plan will continue to be evaluated while comments from reviewing agencies are received. Any comments received from the public through the process would also need to be evaluated and considered.

Conclusion:

Given the comments contained in this report, Staff respectfully recommends that the draft plan of subdivision and application to rezone Part of Lot 4, Concession 12,

geographic Township of Emily located on Valley Road be referred back to staff until technical reviews have been completed.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at Matt.Alexander@wsp.com.

Attachments:

Appendix A – Location Map



Appendix A.docx

Appendix B – Aerial



Appendix
B_Aerial.docx

Appendix C – Sketch



Appendix
C_Sketch.docx

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department Files: D06-2023-026 and D05-2023-006