



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2023-066</b>
<b>Meeting Date:</b>	November 29, 2023
<b>Title:</b>	<b>Township of Emily Zoning By-law Amendment for 10 Northside Road</b>
<b>Description:</b>	Rezoning to facilitate the development of a new detached dwelling on the mainland lot and permit the development of a replacement detached dwelling on the island lot
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Matt Alexander, Practice Lead, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

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### Recommendations:

**That** Report PLAN2023-066, **Township of Emily Zoning By-law Amendment for 10 Northside Road**, be received for information; and

**That** Report PLAN2023-066, **Township of Emily Zoning By-law Amendment for 10 Northside Road**, be referred back to staff to address public and agency comments and for further review of the technical studies.

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

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

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

## **Background:**

The lands known as 10 Northside Road in Township of Emily currently includes a mainland lot which is municipality numbered 10 Northside Road and backs onto Pigeon Lake, and an island lot which is located on Pigeon Lake. These lands are individual lots which share the same ownership. The mainland lot is vacant whereas the island lot includes a detached dwelling.

The City of Kawartha Official Plan designates the mainland parcel as Waterfront and the very eastern edge as Environmental Protection, whereas the whole of the island parcel is designated Environmental Protection. Within the Waterfront designation, lands may be used for seasonal and limited permanent residential uses where adjacent to the lakes and rivers. The Environmental Protection land use designation is intended to protect people and buildings from the adverse impacts of flooding and natural hazards such as erosion.

Owner:	Kallol Chakraborty
Applicant:	D.G Biddle & Associates Limited c/o Michael Fry
Legal Description:	Lot 14 and Part of Lot 18, Concession 9, geographic Township of Emily, now City of Kawartha Lakes
Official Plan:	The mainland parcel is designated as Waterfront and eastern edge as Environmental Protection, whereas the island parcel is designated as Environmental Protection in the City of Kawartha Lakes Official Plan.
Zoning:	Limited Service Residential Exception Four (LSR-4) in the Township of Emily Zoning By-law 1996-30
Area:	The mainland parcel has an area of approximately 0.4 hectares while the island parcel has an area of approximately 1.97 hectares
Site Servicing:	Municipal water, sanitary and storm sewer services
Existing Uses:	The mainland lot is currently vacant and undeveloped while the island property has a vacation home.
Adjacent Uses:	North and West – Forested areas and wetlands South and East – Pigeon Lake

## **Rationale:**

### **Proposal:**

The applicant is proposing to rezone the property from the Limited Service Residential Exception Four (LSR-4) Zone to Limited Service Residential Zone and Limited Service Residential Exception Eleven (LSR-11) Zone to permit two detached dwellings with one replacement dwelling on the island lot and one new dwelling on the mainland lot. The following materials were submitted in support of these applications:

- 1) Conceptual Site Plan Layout for the mainland lot (December 2021), prepared by D.G Biddle & Associates Limited.
- 2) Conceptual Site Plan Layout for the island lot (December 2021), prepared by D.G Biddle & Associates Limited.
- 3) Floor Plans, prepared by Concept Home Architecture and Engineering.
- 4) Geotechnical Report (January 2023), prepared by PRI Engineering. The purpose of this study was to determine and review the subsurface conditions and soil engineering characteristics.
- 5) Archeological Report (May 2022), prepared by Archeological Consultants Canada. This study describes the geography, land use history, previous archaeological field work and current conditions of the study area. The study concluded that no artifacts or other archeological resources were identified during the Stage 1 and 2 archeological assessments.
- 6) Hydrogeology Assessment (July 2022), prepared by Harden environmental Services Limited. One report was prepared each for the island lot and mainland lot. The purpose of these studies was to characterize the soil and groundwater conditions of the site, evaluate the dewatering requirements for the proposed construction and operations phases of the development, assess the groundwater quality of potential discharge water, assess the pre- and post-construction water balance, evaluate potential impacts on the surrounding environment due to the proposed development, and provide recommendations concerning mitigative measures, if required.
- 7) Planning Rational (January 2023), prepared by D.G Biddle & Associates Limited. The 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, 2020, the City of Kawartha Lakes Official Plan, 2020 and the Township of Emily Zoning By-law 1996-30.

- 8) Environmental Impact Study (December 2021), prepared by D.W Wills Associates Limited. The purpose of this study was to address potential impacts associated with the two proposed developments. In addition, potential impacts of the project on existing natural heritage features and associated wildlife were evaluated.
- 9) Elevations (no date), prepared by Concept Home Architecture & Engineering.

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

The subject lands are outside of the Urban Settlement Area of Lindsay. Therefore, relevant policies under sections 1.1.4 Rural Areas in Municipalities and 1.1.5 Rural Lands in Municipalities apply.

Section 1.1.4.1 of the PPS provides direction on supporting rural areas. Specifically, 1.1.4.1 (c) prescribes an appropriate range and mix of housing in rural areas and 1.1.4.1 (e) prescribes the efficient use of rural infrastructure and public service facilities. Regarding 1.1.4.1 (e), the applicant proposes to service the main land lot development with municipal services that currently extend along Northside Road. The Hydrogeological Assessment Report submitted in support of this application is being reviewed.

With regards to 1.1.4 (c) and the appropriate mix of housing in rural areas, staff feel that the proposed developed is complementary to the existing housing stock and are compatible with the surrounding area. The proposed development will increase housing supply without a costly expansion to the infrastructure while mitigating adverse impacts to the natural elements adjacent.

Final PPS conformity will be determined once reviews of the technical materials are complete.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020:**

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).

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow, the provisions of infrastructure to support growth, and protecting natural systems and culture of conservation.

Section 1.2.1 of the Growth Plan provides the grounding principals that provide the basis for guiding decisions on how land is developed. Municipalities are encouraged to support the achievement of complete communities that are designed to support healthy and living and improve the integration of land use planning with planning and investment in infrastructure and public service facilities.

The Growth Plan prescribes policies related to planning for diversifying the housing stock within the province. Section 2.2.6 encourages municipalities to provide a range and mix of housing options and densities and diversify the overall housing stock across the municipality.

The proposed residential development meets the relent policies of the Growth Plan and the proposed development promotes efficient development and land use patterns by minimizing land consumption and servicing costs through redeveloping underutilized land within an existing development area which doesn't require the extension of public infrastructure.

Following review of technical studies, staff will evaluate complete Growth Plan conformity.

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

The City of Kawartha Official Plan designates the mainland parcel as Waterfront and the eastern portion as Environmental Protection, whereas the whole of the island parcel is designated Environmental Protection.

Within the Waterfront designation, lands may be used for seasonal and limited permanent residential uses where adjacent to the lakes and rivers. Further, the Environmental Protection land use designation is intended to protect people and buildings from adverse impacts of flooding and natural hazards such as erosion.

- 1) In accordance with Section 3.3.1, 3.3.2 and 3.3.4 Staff are satisfied that there is sufficient water capacity in the area, and the proposed on-site water and sewage treatment facilities will support the proposal.
  - A Geotechnical Report and Hydrogeology Report were support in support of this application.
- 2) To address Section 3.58, the applicant has submitted an Environmental Impact Study.
  - The Environmental Impact Study was circulated to the appropriate conservation staff. At the time of report writing, comments are still outstanding.
- 3) In alignment with Section 10.3(a), 10.3(b) and 10.3 (c), an archeological review of the site has been completed.
  - A Stage 1 and 2 Archeological Assessment was completed and submitted in support of this application. The Archeological Assessment was circulated to relevant First Nations communities and City Staff for review and comment.

Once review of supporting materials is complete, staff will determine conformity with the City's Official Plan.

### **Township of Emily Zoning By-law 1996-30**

Both mainland and island parcels are located in the Limited Service Residential Exception Four (LSR-4) Zone. The parent LSR Zone permits a vacation dwelling or a detached dwelling, amongst other similar residential and accessory uses. The Exception 4 provision permits only buildings that lawfully existed on the day of the passing of the exception. The applicant is proposing to rezone to Limited Service Residential Zone and Limited Service Residential Exception Eleven (LSR-11) Zone to permit a new dwelling on the mainland property and replacement dwelling on the island lot.

The proposed new and replacement dwelling buildings yard setbacks, coverage and floor area, and landscaped open space meet all the performance standards of the parent LSR Zone, except for the interior side yard setback on the south side of the proposed mainland dwelling. The proposed reduced south side yard setback is to allow for a greater side yard setback on the north side to help protect the natural heritage features on the north side of the mainland parcel.

Further review of comments on technical studies are required before a final zoning by-law can be brought forward for approval.

### **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

In line with the Strategic Priority of an Exceptional Quality of Life, the proposed amendment would facilitate the development of affordable housing, which would contribute to providing complete communities with access to housing, and neighbouring amenities for low-income residents in the community.

### **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:**

Development Engineering provided comments indicating no concerns with the proposed rezoning. At the time of report writing, no other comments have been received.

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

Staff feel that the proposed development of 10 Northside Road may have 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.

The property is currently zoned Limited Service Residential Exception Four (LSR-4) Zone which does not permit the proposed use as it does not meet the exception requirements. The proposed zoning by-law amendment to Limited Service Residential Exception (LSR) Zone and Limited Service Residential Exception Eleven (LSR-11) would permit the proposed development.

Staff feel the need to further evaluate the proposed zoning by-law amendment pending receipt of comments from internal departments, and external agencies in order to determine whether there are concerns related to servicing and natural heritage impacts.

## **Conclusion:**

Given the comments contained in this report, Staff respectfully recommends that the application to rezone 10 Northside Road be referred back to staff until technical reviews have been completed and comments from the public 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 Matt Alexander at [Matt.Alexander@wsp.com](mailto:Matt.Alexander@wsp.com).

### **Appendix 'A' – Location Plan**



Appendix A

### **Appendix 'B' – Aerial Photo**



Appendix B



**Appendix 'C' - Site Plan**



Appendix C

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

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

**Department File:** D06-2023-025