



## Planning Advisory Committee Report

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| <b>Report Number:</b>    | <b>PLAN2024-048</b>   |
| <b>Meeting Date:</b>     | July 10, 2024   |
| <b>Title:</b>            | <b>City of Kawartha Lakes Official Plan Amendment at 9 Farmingdale Lane, Bexley</b>                               |
| <b>Description:</b>      | To amend the City of Kawartha Lakes Official Plan to facilitate the future creation of three new residential lots |
| <b>Type of Report:</b>   | Regular Meeting   |
| <b>Author and Title:</b> | Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division                     |

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### Recommendations:

**That** Report PLAN2024-048, **City of Kawartha Lakes Official Plan Amendment at 9 Farmingdale Lane, Bexley**, be received for information;

**That** Official Plan Amendment, respecting application D01-2024-002, substantially in the form attached as Appendix D to Report PLAN2024-048 be approved for adoption by Council; and

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

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

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

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

**Proposal:**

The subject lands are identified as 9 Farmingdale Lane and legally described as Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, in the former Township of Bexley, now the City of Kawartha Lakes. The site is currently designated as Rural, with a small area designated Environmental Protection under the City of Kawartha Lakes Official Plan (CKLOP). Schedule B-7 of the CKLOP also identifies the site as containing locally significant wetlands, unevaluated wetlands, significant woodlands, and significant wildlife habitat on the western portion of the property, with another small area of significant woodland on the eastern portion of the property. The site is zoned Rural General (RG) Zone under the Township of Bexley Zoning By-law 93-09.

The applicant is proposing to amend the CKLOP to implement a special Rural Designation policy provision that would support the creation of three new lots via future consent applications on a portion of the property that is approximately 5.5 hectares in area. The three new lots would be accessed from Homewood Park Road, while the existing single detached dwelling and barn would continue to occupy the retained land and be accessed from Farmingdale Lane.

While there is currently no development proposed for the severed lots, the intention is that each of the new lots could support the development of a single-detached dwelling. Currently, the Rural designation only permits lot creation when a residence has become surplus to a farming operation, or to accommodate a retiring farmer. As a result, the applicant is requesting an Amendment to the Official Plan to implement a site-specific policy that would permit the creation of three new lots on the subject land.

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| Owner:             | 1753255 Ontario Limited (Tony Ferreria)   |
| Applicant:         | D.M Wills Associates Limited c/o Diana Keay   |
| Legal Description: | Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, Former Geographic Township of Bexley, now City of Kawartha Lakes                           |
| Official Plan:     | Rural and Environmental Protection, locally significant wetlands, significant woodlands, and significant wildlife habitat, natural heritage overlay |
| Zoning:            | Rural General (RG) Zone in the Township of Bexley Zoning By-law 93-09   |
| Area:              | Total – 214.24 acres (86.7 hectares)  |
| Site Servicing:    | Private well and septic   |

Existing Uses: Single Detached Dwelling, and a Barn

Adjacent Uses: North – Woodland

East – Shoreline Residential and Balsam Lake

South – Woodland, Agricultural and Trailer Park

West – Woodland, Agricultural

### **Background:**

The application was deemed complete on January 26, 2024, and was circulated to internal City Departments and external agencies for comment on February 9, 2024. A Statutory Public Meeting was held on March 6, 2024. The Planning Advisory Committee passed a motion to refer the application back to staff due to outstanding technical reviews from commenting agencies and ongoing consultation with the Alderville First Nation.

A second submission was circulated to internal City Departments and external agencies for comment on May 3, 2024. The applicant has addressed all required comments, and staff feel that it is appropriate to recommend approval of the Official Plan Amendment application.

### **Comment Summary:**

The below provides a summary of the comments received since the Planning Advisory Committee motion, and how it addresses the outstanding issues and demonstrates conformity with various levels of planning policy.

### **Public Comments:**

One comment was received requesting clarification on the location of the site and whether it had any frontage on the lake. Clarification was provided on the location of the site and that it does not have frontage on Balsam Lake.

One comment was received which requested to see application materials, including the topographical survey plan and conceptual lot layout plan. The resident wanted to know where the site and proposed lots were located, including where they would be accessed and whether the road allowance on the site is existing. Clarification was requested on the site features and buffers shown on the conceptual lot layout, including details on OP and zoning permissions. The resident was concerned about whether a larger

development with multiple units could occur on each proposed lot. The resident was also unsure what WSP's role in the application review process was. The application materials were provided to the resident for review, and clarification was provided on the questions submitted.

One comment was received which requested to see application materials, including the draft Official Plan Amendment. The resident requested clarification on where the site and proposed lots were located, including where they would be accessed, as there were multiple public notice signs posted along the site. The application materials were provided to the resident for review, and clarification was provided on the location of the site and where the future proposed lots would be located along Homewood Park Road.

One comment was received regarding concerns of the timing of the public meeting, as it does not permit those who are working or out of town to attend. The resident requested clarification on the details on the size of proposed lots and was concerned about the future development that would occur on the proposed lots. The resident also requested details on the Official Plan Amendment and zoning permissions of the site. Following the public meeting, the resident expressed further concerns that their comments were not addressed at the public meeting. Clarification was provided on the timing of the public meeting and the options to participate for those who are unable to attend, along with details on the lot sizes and future consent application process. It was further clarified that all comments received leading up to the public meeting were provided to members of the Committee.

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

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

The Environmental Impact Study (EIS) submitted in support of the application concludes that the creation of the three new residential lots can be accommodated without negative impacts to natural heritage features, provided that certain mitigation measures are implemented. Review of the technical studies by Development Engineering and Kawartha Conservation have concluded that all comments have been resolved and there are no objections to the proposed Official Plan Amendment.

Therefore, conformity with natural heritage policies of the Growth Plan, including Section 4.4.2.3(a), have been addressed.

#### **Provincial Policy Statement, 2020**

Municipal services are not available, and as such proposed servicing would be private well and septic. The City's Supervisor Part 8 Sewage Systems indicated that they support the findings of the Hydrogeological study indicating that the land is viable for private on-site sewage systems, and had no objections to the proposal. This complies with PPS Section 1.6.6.3 and 1.6.6.4 regarding private services.

Kawartha Conservation indicated that they did not have any concerns with the submitted EIS report and could support the application, provided the condition that a KARST assessment is completed at the time of the consent application. As the Official Plan Amendment was revised to include this condition, Kawartha Conservation confirmed they had no additional comments. As such, the application conforms with the natural heritage conservation policies of the PPS, including Section 2.1.

Therefore, consistency with PPS policies has been addressed.

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

The proposed amendment maintains the goals and objectives of the Official Plan, ensuring protection of the agricultural land base, protecting natural heritage features supporting a form of development that is compatible with the rural area. The proposal also supports the Consent policies of the Official Plan, given the local context and that the goals and objectives of the Official Plan are maintained.

Section 17.3.2 prohibits the creation of lots for the purpose of development within the Environmental Protection designation. The proposed severed lots are to be located outside of the portion of the subject property designated as Environmental Protection. There will be no change in land use on the remainder of the property, and as such the watercourse will not be affected.

Kawartha Conservation noted that the site is within the 120m area of interference of an Unevaluated Wetland (greater than 2 hectares) and a Provincially Significant Wetland. The site is also within a known karst area. Kawartha Conservation's review indicated no issues with the EIS report prepared, that all comments had been addressed. As such, the Environmental Protection policies of the Official Plan, including Section 3.5.5, 3.5.7, and 17.3, have been addressed.

Therefore, conformity with CKLOP policies have been addressed.

## **Township of Bexley Zoning By-law**

Subject to approval of the Official Plan Amendment and subsequent consent applications, the three new residential lots will automatically be subject to the RR1 Zone provisions. The three new lots proposed by the applicant will not exceed the lot area requirement of 2.0 hectares. A Zoning By-law Amendment will not be required to create the contemplated new lots, however certain development setbacks or use limitations may be required through a Zoning By-law Amendment to implement the mitigation measures recommended by the EIS. A comprehensive development site plan concept has not been provided, and consequently, zoning compliance will be determined during future planning approvals.

### **Agency Review Comments:**

At the time of the public meeting in March 2024, comments were still outstanding from a number of key agencies/departments including the City's Engineering Department, Kawartha Conservation, and Alderville First Nation. Following the Public Meeting, a second submission of the Official Plan Amendment Application was warranted. It is understood all comments have been addressed.

Heritage planning had no further comments on the archeological assessment, and stated that no additional archaeological assessment of the area is required, as noted in the report. Development Engineering has no objections to the proposed Official Plan Amendment.

Alderville First Nation confirmed that the site is situated within the Traditional Territory of Alderville First Nation, and further consultation would be required. This has been acknowledged by the applicant, and a Notice to Consult letter was prepared and submitted to Alderville First Nation staff via email on March 21, 2024. Following circulation of the second Official Plan Amendment submission, Alderville First Nation confirmed they have no further comments.

Kawartha Conservation indicated that a permit pursuant to Ontario Regulation 182/06 may be required prior to any future development on the property, along with an Erosion and Sediment Control Plan. Kawartha Conservation will support to the approval of the Official Plan Amendment with a condition that a KARST Assessment be completed at the time of the consent application. This has been acknowledged by the applicant, and the Official Plan Amendment has been revised to address this future requirement.

### **Conclusion and Recommendation:**

Staff are of the opinion that the development represents good land use planning by demonstrating compliance with policies related to servicing, housing in rural areas, and protection of natural heritage features. The proposal supports the applicable policies of the Growth Plan and PPS. The proposed amendment maintains the goals and objectives of the Official Plan, ensuring protection of the agricultural land base, protecting natural heritage features, and supporting a form of development that is compatible with the rural area. The proposal also supports the Consent policies of the Official Plan, particularly given the local context and that the goals and objectives of the Official Plan are maintained.

Given the comments contained in this report, Staff respectfully recommends that the Official Plan Amendment respecting application D01-2024-002 be referred to Council for approval, substantially in the form as "Appendix D" attached to this report.

### **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



Appendix B

#### Appendix 'C' – Sketch



Appendix C

#### Appendix 'D' – Draft Official Plan Amendment



Appendix D

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

**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D01-2024-002