



Planning Advisory Committee Report

Report Number:	PLAN2024-051
Meeting Date:	August 7, 2024
Title:	Amend the Somerville Zoning By-law 78-45 and City of Kawartha Lakes Official Plan at 1062 3rd Concession and 1691 County Road 121, Part of Lot 17 and 18, Concession 2, Township of Somerville in the City of Kawartha Lakes
Description:	<p>Application to rezone a portion of the 'Subject Land' in the Township of Somerville Zoning By-law 78-45 from 'Rural General (RG)' to 'Campground Commercial Exception' Zone with a Holding provision (C4-XX(H))' for the lands to be added via the lot line adjustment to permit a septic system serving the existing campground use. A 'Holding' provision will be included to prohibit any potential expansion of additional uses beyond the septic system on the site until Site Plan Control approval is attained to remove the holding – D06-2024-015; and</p> <p>Application to amend the City of Kawartha Lakes Official Plan to permit a lot line adjustment and recognize the resulting lot area on a portion of the 'Subject Lands' designated Rural - D01-2024-005</p>
Type of Report:	Public Meeting
Author and Title:	Michael Hanifi, MCIP, RPP, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

Recommendation(s):

That Report PLAN2024-051, **Amend the Somerville Zoning By-law 78-45 and City of Kawartha Lakes Official Plan at 1062 3rd Concession and 1691 County Road 121, Part of Lot 17 and 18, Concession 2, Township of Somerville in the City of Kawartha Lakes**, be received;

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Amend the Somerville Zoning By-law 78-45 and City of Kawartha Lakes Official Plan at 1062 3rd Concession and 1691 County Road 121, Part of Lot 17 and 18, Concession 2, Township of Somerville in the City of Kawartha Lakes

That a Zoning By-law Amendment respecting application D06-2024-015, substantially in the form attached as Appendix D to Report **PLAN2024-051**, be approved and adopted by Council;

That an Official Plan Amendment respecting application D01-2024-005, substantially in the form attached as Appendix E to Report **PLAN2024-051**, be approved and adopted by Council; and

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

Background:

Owner:	Lucas and Stephanie Lowell
Applicant:	Ashlyn Kennedy, EcoVue Consulting Services
Legal Description:	Part of Lot 17 and 18, Concession 2, Township of Somerville in the City of Kawartha Lakes
Official Plan:	'Rural' and 'Environmental Protection' in Schedule 'A-7' of the City of Kawartha Lakes Official Plan
Zoning:	'Campground Commercial' (C4) Zone, 'Rural General' (RG) Zone, and 'Environmental Protection' (EP) Zone in Schedule 'A' of the Township of Somerville Zoning By-law 78-45
Area:	Total: Approx. 107.27 hectares. Through a future Consent application for lot line adjustment, the lands to be retained would be approx. 22.78 hectares and the benefitting lands would be 84.49 hectares post adjustment
Site Servicing:	Private well and septic
Existing Uses:	Existing Log Chateau Park campground on the benefitting lands, which contains trailer sites, rental cabins, a store, nature trails, and docking facilities adjacent to Four Mile Lake.
Adjacent Uses:	North – Rural Land including related commercial and industrial uses, and Fenelon Valley Trailer Park East – Rural land South – Rural land West – Rural land including low density residential and Burnt River

The applicant is proposing to rezone a portion of the 'Subject Land' in the Township of Somerville Zoning By-law 78-45 from 'Rural General (RG)' to 'Campground Commercial Exception' Zone with a Holding provision (C4-XX(H))' for the lands to be added via a future lot line adjustment to permit a septic system serving the existing campground use. A 'Holding' provision will be included on the zone to prohibit any potential expansion of additional uses beyond the septic system on the site until Site Plan Control approval is attained to remove the holding.

Further, the applicant is proposing to amend the City of Kawartha Lakes Official Plan to re-designate a portion of the 'Subject Land' from 'Rural' to 'Rural Special Policy Area' to

permit a future lot line adjustment and recognize the resulting lot area deficiency. The lot line adjustment would be subject to a future Consent application. The existing Environmental Protection designated lands will remain.

Rationale:

The applicant has submitted the following reports and plans in support of the applications, which have been circulated to various City departments and commenting agencies for review:

- Planning Justification Report prepared by EcoVue Consulting Services Inc., dated March 7, 2024;
- Completed Application Form for the ZBA;
- Completed Application Form for the OPA;
- Conceptual Consent Sketch prepared by EcoVue Consulting Services Inc., dated June 20, 2024; and
- Holding Zone Memo prepared by EcoVue Consulting Services Inc., dated June 25, 2024.

All the reports have been circulated to the applicable City Departments and commenting agencies for review and comment.

As part of the application review, the applicant also prepared a figure confirming the location of the septic works relative to the natural features and this was reviewed by a certified ecologist during the circulation.

Policy Conformity

Provincial Policy Statement (PPS 2020)

The PPS provides a policy framework for land use planning within the Province of Ontario. The 'Subject Lands' are not located within the settlement area and are subject to Section 1.1.4 of the PPS (Rural Areas in Municipalities). Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. As per Section 1.1.4.1, rural areas will be supported by a) building upon rural character, and leveraging rural amenities and assets, and g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets.

Furthermore, as per Policy 1.1.4.4, growth and development may be directed to rural lands in accordance with Section 1.1.5. Policy 1.1.5.2 states that, on rural land located

in municipalities, permitted uses include: b) resource-based recreational uses (including recreational dwellings), and c) residential development, including lot creation that is locally appropriate.

Policy 1.1.5.4 of the PPS states that, "Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted" and Policy 1.1.5.4 states, "Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure".

The proposed development, as part of this application, would not result in the construction of any new buildings or structures beyond the construction of a new septic system to serve the existing campground uses, which form a resource-based recreational use. There are existing campground uses on the benefitting lands (which contain the existing Log Chateau Park campground), but no new buildings or structures are proposed on any of the 'Subject Lands'.

In terms of sewage and water, Policy 1.6.6.4 of the PPS states, for private water and septic systems, "Individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts".

The Ministry of Environment, Conservation and Parks issued an Environmental Compliance Approval (ECA) on the 'Subject Lands' for the portion of the lands to service the existing campground and a full water resources assessment was undertaken prior to the ECA being issued.

This property is also located outside of a vulnerable area for a municipal drinking water system, as confirmed by Kawartha Conservation.

Section 2.1 of the PPS contains policy related to natural heritage. Policy 2.1.1 notes that, "Natural features and areas shall be protected for the long term". Section 2.1.4 of the PPS states, "Development and site alteration shall not be permitted in significant wetlands". Section 2.1.5 goes on to state that development and site alteration shall not be permitted in significant woodlands.

Further, Section 2.1.6 of the PPS states that "Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements". Additionally, Section 2.1.8 states "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified

in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

Wetland and woodland features have been identified on a portion of the ‘Subject Lands’. While the construction of buildings and structures is not proposed, the proposed development would be considered site alteration as per the definition in the PPS.

As part of the application review, the applicant prepared a figure confirming the location of the septic works relative to the natural features and this was reviewed by a certified ecologist during the circulation. It was noted that the application can proceed based on the distances to those features being sufficient enough to not cause adverse impacts. It was noted that, so long as it is demonstrated that all works are outside of the 30 m buffers/vegetative protection zone, and standard mitigation (best management practices) are employed during construction, it is assumed that potential negative impacts would be limited. The applicant concurred with the recommendations for mitigation provided.

Section 3.1 and 3.2 of the PPS addresses policies related to natural and human-made hazards. The subject property does not contain any natural hazards such as steep slopes or floodplain and does not contain any human-made hazards. As noted, wetland features were identified.

Kawartha Conservation has reviewed the proposal with respect to natural hazards and expressed no concerns with the Zoning By-law Amendment and Official Plan Amendment.

Growth Plan for the Greater Golden Horseshoe (2019)

Like the PPS, the proposal conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) in particular Subsections 2.2.9 (Rural Areas) and Section 4, for land use, servicing and natural heritage and hazard features.

As per Policy 2.2.9.3 c) for Rural Areas, subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for b) resource-based recreational uses; and c) other rural land uses that are not appropriate for settlement areas, provided that they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and

- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Further, as per Policy 2.2.9.4, where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include: a) commercial uses to serve the needs of visitors; and, b) where appropriate, resource-based recreational dwellings for seasonal accommodation.

While no structures or buildings are being proposed, the proposed development to accommodate a septic system expansion to service the existing campground uses would be supported by these policies. Rural service levels and agricultural operations would not be impacted.

Section 3.2.6 provides policies related to water and wastewater systems. As noted, the Ministry of Environment, Conservation and Parks issued an Environmental Compliance Approval (ECA) for the septic system expansion and a full water resources assessment was undertaken prior to the ECA being issued. This property is also located outside of a vulnerable area for a municipal drinking water system.

Section 4.2.2 provides policies related to the Natural Heritage System. Section 4.2.4 provides policy direction for lands adjacent to key hydrological features, and natural heritage features. Policy 4.2.4.1 states that, outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:

- a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b) is established to achieve and be maintained as natural self-sustaining vegetation; and
- c) for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

As noted, the application, including the location of the proposed septic works relative to the natural features on the 'Subject Land' has been reviewed by a certified ecologist through the circulation and can proceed subject to mitigation measures.

Kawartha Conservation has reviewed the proposal with respect to natural hazards and expressed no concerns with the Zoning By-law Amendment and Official Plan Amendment.

City of Kawartha Lakes Official Plan (2012)

The 'Subject Lands' are within the 'Rural' and 'Environmental Protection' designation in Schedule A-7 of the City of Kawartha Lakes Official Plan (CKLOP). Active and passive recreation uses and facilities are permitted uses within the Rural designation, where the proposed septic works expansion is to be located.

As per Policy 16.2 g), an objective of the Rural designation is to, "Provide for the wise use and management of resources and resource based recreational activities".

Policy 16.3.9 states that, "A severance for a minor lot line adjustment may be permitted provided it does not create a separate building lot that would otherwise require an amendment to this plan". It is the opinion of planning staff that the lot line adjustment is not minor and therefore an Official Plan Amendment is required to facilitate the future lot line adjustment through a Consent application. As such, a site-specific Rural policy area designation will be applied to the site to permit the lot line adjustment to recognize the resulting lot area deficiency for the Rural designated lands.

As noted, a portion of the 'Subject Lands' is designated 'Environmental Protection' in Schedule A-7 of the CKLOP. The Environmental Protection designation permits recreational uses excluding buildings or structures, as per Policy 17.3 f). No buildings or structures are proposed as part of this application. All proposed septic work will occur on lands outside of the Environmental Protection designation and the Environmental Protection designation will remain.

Furthermore, significant woodlands are shown on the 'Subject Lands' as per Schedule B-7 of the CKLOP. As per Policy 3.5.18 of the CKLOP, "Development and site alteration in or within 120 metres of a significant woodland area may be permitted if it is demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified".

As noted, as part of the application review, the applicant prepared a figure confirming the location of the septic works relative to the natural features and this was reviewed by a certified ecologist during the circulation. It was noted that the application can proceed based on the distances to those features being sufficient and mitigation measures were provided to ensure there will be no negative impacts.

There are also existing wetlands on portions of the 'Subject Land'. Policy 3.5.4 of the CKLOP states that any development or site alteration proposed or adjacent to a locally significant wetland shall not occur unless it is demonstrated that there will be no negative impact on the features or functions of the wetland.

Based on the proposed works, location of the proposed septic bed, and demonstration via a submitted map outlining the distances between the proposed septic bed and woodland features, all works are confirmed to be outside of the 30 m buffers, and, with standard mitigation (best management practices) employed during construction, it is assumed that potential negative impacts would be limited.

Kawartha Conservation has reviewed the proposal with respect to natural hazards and expressed no concerns with the Zoning By-law Amendment and Official Plan Amendment.

Planning staff are of the opinion that the Official Plan Amendment to re-designate the Subject Lands to a site-specific Rural policy area to permit the lot line adjustment and to permit the resulting undersized lot area is reasonable and appropriate.

Township of Somerville Zoning By-law 78-45

The Subject Lands are currently zoned 'Campground Commercial (C4)' Zone, 'Rural General (RG) Zone', and 'Environmental Protection (EP) Zone' in the Township of Somerville Zoning By-law 78-45. The portion of the Subject Lands subject to the septic expansion and rezoning is located entirely within the RG Zone. The RG Zone does not permit campgrounds or similar uses. Since the proposed septic system would be serving the campground use, a Zoning By-law Amendment is required to rezone the lands to be added to the benefitting campground uses through the future lot line adjustment to the C4 Zone. An exception zone will be created to specifically permit the septic system.

The 'lands to be added', in addition to providing area for the septic system, will increase the frontage on County Rd. 121 for the campground. Lot area requirements in the C4 Zone will be complied with, and there is sufficient land to accommodate any required

setbacks within the added lands. Further, lot area and frontage requirements in the RG Zone for the lands to be retained are still met.

Moreover, while no buildings or structures are proposed as part of the proposed development, the Applicant agreed to place a 'Holding Symbol' on the C4 zoning in order to prohibit any potential expansion of additional uses on the campground site until Site Plan Control approval is attained to remove the holding.

As per provision 18.10.1 of the Zoning By-law, "Unless otherwise specified within the applicable zone provisions, where a zone symbol, shown on a schedule to this By-law, is followed by the holding symbol '(H)', the use of lands so zoned shall be limited to legally existing uses, and conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the lot may be used in accordance with the applicable zone provisions".

Planning Staff are of the opinion that the Zoning By-law Amendment is appropriate as it restricts the uses on the 'lands to be added' to the accompanying septic system expansion to service the existing campground uses and does not permit any additional buildings or structures until Site Plan Control approval is attained and the holding symbol is removed from the zoning.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

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

In alignment with strategic priorities, the proposed Official Plan Amendment and Zoning By-law Amendment would promote an exceptional quality of life by further supporting recreational and leisure programs, which also supports a vibrant and growing economy.

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 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Development Services Department - Planning Division reviewed the proposal and have no further comments.

Development Services Department – Natural Heritage (Dillon Planning ecologist on behalf of the City of Kawartha Lakes) reviewed the proposal and provides recommended mitigation measures to the applicant:

- Any tree removal should be carried out outside of the breeding bird window (April through August), and the bat active window if there are mature trees (May through September). Otherwise, a nest sweep should be undertaken by a qualified professional prior to removal.
- Standard erosion and sediment measures will be implemented such as installation of silt fence around the work perimeter, and maintenance of the site fence until the site is stabilized (re-vegetated) to avoid sedimentation of nearby features.

Engineering and Corporate Assets Department – Development Engineering reviewed the proposal and have no further comments or objections.

Development Services Department - Building and Septic Division reviewed the proposal and noted that they have no further comments or objections. The proposal is for the construction of a sewage system that is within the jurisdiction of the Ministry of Environment, Conservation and Parks.

Kawartha Conservation has reviewed the proposal with respect to natural hazards and water quantity and expressed no concerns with the Zoning By-law Amendment and Official Plan Amendment.

Public Works Department has reviewed the proposal and requested that an entrance review be completed to ensure compliance and that any deficiencies noted be corrected as a condition of the severance when the application is submitted.

Haliburton, Kawartha and Pine Ridge District Health Unit reviewed the proposal and noted that if the campground expansion includes the addition of new campsites, it is strongly recommended that the proponent notify public health for another inspection.

Public comments were received for further information to clarify the lands subject to the applications. Information was provided by Dillon Planning to satisfy the comments received.

Conclusion and Recommendation:

The proposal represents good land use planning by facilitating a lot line adjustment by permitting the expansion of a septic system to serve existing campground uses, in accordance with policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Somerville Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment and Official Plan Amendment respecting application D06-2024-015 and D01-2024-005, substantially in the form attached as Appendix 'D' and Appendix 'E' to Report **PLAN2024-051**, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Dillon Planning at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Location Map



Appendix A -
PLAN2024-051 Locat

Appendix B – Aerial



Appendix B -
PLAN2024-051 Aerial

Appendix C – Sketch



Appendix C -
PLAN2024-051 Sketc

Appendix D – Draft Zoning By-law and Draft Zoning By-law Schedule



Appendix D -
PLAN2024-051 ZBA.c

Appendix E – Draft Official Plan Amendment



Appendix E -
PLAN2024-051 OPA.c

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-015 and D01-2024-005