



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2024-043</b>
<b>Meeting Date:</b>	August 7, 2024
<b>Title:</b>	<b>31 Barkwell Lane Zoning By-law Amendment</b>
<b>Description:</b>	Rezoning to facilitate the creation of a new lot from lands described as 31 Barkwell Lane, United Townships of Laxton, Digby and Longford Zoning By-law 32-83
<b>Type of Report:</b>	Regular Meeting
<b>Author and Title:</b>	Matt Alexander, MCIP, RPP (WSP Canada Inc.) on behalf of City of Kawartha Lakes Planning Division

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### Recommendations:

**That** Report **PLAN2024-043, 31 Barkwell Lane Zoning By-law Amendment**, be received for information;

**That** a Zoning By-law Amendment, respecting application D06-2023-028, substantially in the form attached as Appendix D to Report **PLAN2024-043**, be adopted 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:**

This application applies to lands identified as 31 Barkwell Lane, and described as Part of Lot 5, Concession 11, former Township of Laxton. The site is currently designated as Rural, Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan, and is zoned as Rural General (A1) Zone, and Limited Service Residential (LSR) Zone in the United Townships of Laxton, Digby and Longford Zoning By-law 32-83.

The purpose of this Zoning By-law Amendment application is to zone certain areas within the subject lands from Rural General (A1) to Open Space with a site-specific exception and holding provision (O1-1(H)), and to zone an area including an existing dwelling from Limited Service Residential (LSR) to Limited Service Residential with a site-specific exception (LSR-6). The remaining areas are proposed to be re-zoned from Rural General (A1) to Rural General with a site specific exception (A1-2), and Rural General with a site specific exception with a holding provision (A1-3(H)).

The Zoning By-law Amendment is intended to facilitate a future land severance which would divide the subject lands to create one (1) severed lot, and one (1) retained lot. The rezoning will also provide additional protection to identified natural heritage features on site, including a wetland, watercourse, and woodlands. The proposed severed lot is approximately 0.59 hectares in size (1.45 acres) and consists of a single detached dwelling and detached garage with associated private well and septic system. The severed lot also contains a portion of the wetland and watercourse, which will be protected by a buffer included within the proposed O1-1 zoning.

The proposed retained lot will be able to accommodate a building envelope for a potential future single detached dwelling, with private septic and well, outside of flood hazards. The proposed retained lot will include the balance of the property which contains woodlands, and the majority of the watercourse and wetland.

Owner: Gale and Ken Ritchie

Applicant: EcoVue Consulting Services Inc. c/o Beverly Saunders

Legal Description: Part of Lot 5, Concession 11, former Township of Laxton, now City of Kawartha Lakes

Official Plan: Rural, Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan

Zones:	Rural General (A1) Zone and Limited Service Residential (LSR) Zone in the United Townships of Laxton, Digby and Longford Zoning By-law 32-83
Area:	Total – Approximately 5.76 hectares (14.23 acres)
Site Servicing:	Private individual well and septic system
Existing Uses:	Single detached dwelling and detached garage (currently under construction), woodland, watercourse, wetlands
Adjacent Uses:	North – Rural Residential/Shoreline Residential  South – Rural Residential, Shoreline Residential, woodlands and unevaluated wetlands  East – Shoreline Residential and Shadow Lake  West – Rural, Rural Residential

## **Background:**

The application was deemed complete on November 17, 2023, and was circulated to internal City Departments and external agencies for comment on December 1, 2023. A Statutory Public Meeting was held on January 17, 2024. The Planning Advisory Committee passed a motion to refer the application back to staff due to concerns raised about the Archaeological Assessment previously done on the property and because comments related to the Environmental Impact Study were outstanding.

The initial Archaeological Assessment was completed for a small portion of the property only. It was determined based on comments received, that the applicant would need to undertake additional archaeological assessments that covered the entire property. In response, the applicant completed the additional archaeological work, which was then circulated to the concerned agencies and departments for comment.

The Environmental Impact Study was completed to determine the developable area of the future proposed retained lot, to determine mitigation measures for the identified natural heritage and key hydrologic features on site and implement the appropriate buffers from said features.

The Zoning By-law Amendment application proposes to rezone the proposed severed lot zoned General Rural (A1) Zone to Limited Service Residential Exception Six (LSR-6) Zone. This will recognize a reduced lot frontage requirement of the existing LSR Zone as a result of the proposed severance.

The subject property does not currently meet the minimum lot area requirements of the Rural General (A1) Zone; therefore, a site specific exception is required for the proposed retained parcel to reduce the minimum lot area from 25 ha to 5.17 ha. A holding provision is also proposed to prohibit development of the proposed retained portion until an EIS is undertaken to demonstrate no negative impacts on the adjacent natural heritage features.

The application also proposes to rezone the natural heritage features across the entirety of the site, including the vegetation protection zone to Open Space Exception One (O1-1) Zone to provide protection to the natural features. The O1-1 zone will permit uses restricted to those permitted under Section 4.2.3.1 of the Growth Plan and implement a holding provision. The holding provision would be lifted only if it is demonstrated that there will be no impacts to the natural heritage features through an Environmental Impact Study (EIS) completed to the satisfaction of the City.

### **Comment Summary:**

The following section provides a summary of the comments received following the Public Meeting and Planning Advisory Committee motion, and how the outstanding issues have been addressed demonstrating conformity with land use planning policy.

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

Previous Growth Plan conformity concerns were related to pending comments on the EIS and protection of natural heritage features. Section 4.2 of the Growth Plan provides policies for protection of natural heritage features, and hydrologic features on lands outside of settlement area boundaries. The subject site contains wetlands and a watercourse, which is defined as a key hydrologic feature in the Growth Plan. Section 4.2.3.1 provides that development or site alteration is not permitted in key hydrologic features, with special exceptions made for select conservation, resource management, and recreation-based activities, and select instances of expansions/alterations to existing buildings. Section 4.2.4.1 of the Growth Plan also states that development or site alteration within 120 metres of a key hydrologic feature will require the establishment of a vegetation protection zone that is sufficient in protecting against impacts, and preserving functions of the feature, is maintained as natural self-

sustaining vegetation, and is no less than 30 metres measured from the outside of the boundary of the key feature.

Based on the recommendations of the EIS, there will be no development within the key hydrologic features, or the vegetation protection zone. Comments received on the EIS support the recommended measures. As a further measure, the zoning by-law amendment will implement holding provisions that can only be lifted through completion of an additional satisfactory EIS which demonstrates that any future development or site alteration will not impact the natural heritage and hydrologic features on site. Further, through the zoning by-law amendment, future development of a single detached dwelling on the retained lot will be tied to removal of a holding provision subject to the completion of a satisfactory EIS which demonstrates that there will be no negative impacts to the woodlands or other features as a result of development of a single detached dwelling.

As such, previously outstanding conformity concerns with the Growth Plan have been addressed.

### **Provincial Policy Statement, 2020 (PPS)**

At the time of the Public Meeting, staff were unable to confirm compliance with PPS policies surrounding cultural heritage and archaeology. Concerns were expressed by local First Nations, Chippewas and Alderville, regarding the incomplete nature of the Archaeological Assessment submitted with the application. A Stage 1 and Stage 2 Archaeological Assessment was conducted on the portion of the property proposed to be severed only. The proposed retained lands were not included within the initial archaeological assessment.

Section 2.6.1 of the PPS speaks to cultural heritage and archaeology. Specifically, Section 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Section 2.6.2 provides that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Following the Planning Advisory Committee motion, the applicant completed additional archaeological assessments across the remainder of the property at the request of staff. The report was circulated to City staff and First Nations for comment. Following a review of the archaeological study, City staff and First Nations indicated there were no further concerns.

Section 2.0 of the PPS speaks to wise use and management of resources including protecting natural heritage, water, agricultural, mineral, archaeological resources for

their economic, environmental and social benefits. Section 2.1.4 and 2.1.5 prohibit development and site alteration within significant wetlands, woodlands, valley lands, wildlife habitat, significant areas of natural or scientific interest, unless it has been demonstrated that there will be no negative impacts on the features or their ecological functions. The Environmental Impact Study (EIS) submitted with the application confirmed the presence of wetlands, significant woodlands, and watercourses on, and adjacent to, the subject site. The EIS recommends a 30-metre vegetative protection zone to protect the integrity of the wetlands, woodlands and watercourse on the subject site. Other mitigation measures are proposed by the EIS such as sediment fencing during construction, and practices to reduce the spread of invasive species. Recommendations are made regarding outdoor lighting and methods to reduce impacts on nocturnal movement.

The comments on the submitted EIS were outstanding at the time of the statutory Public Meeting. Following the meeting, the Ministry of Environment, Conservation and Parks Species at Risk Branch provided comments on the EIS supporting the recommended mitigation measures and proposed developable area on the retained lot. Following the Planning Advisory Committee motion, Kawartha Conservation provided comments expressing that they do not support the zoning by-law amendment because the proposed severed lot line crosses the watercourse, wetland and VPZ buffer. They advised that this would only be supported if the proponent demonstrated that the features would be rezoned accordingly to provide protection. Kawartha Conservation however noted that the site is not within their regulated area, or source water protection zone, and a permit from Kawartha Conservation would not be required subject to any future development on the property.

The site is outside of the Conservation Authority's regulated area; the proponent has indicated the natural features on site will be rezoned to an appropriate Open Space (OS) Zone to provide protection. The EIS completed in support of the proposal demonstrates that there will be no negative impacts to the natural features as a result of the rezoning or the severance provided mitigation measures are undertaken. The rezoning will also implement the VPZ buffer recommended by the EIS, as well as holding provisions across the site. Should any future development be proposed on site within the OS Zone, development will be restricted to uses permitted under Section 4.3.2.1 of the Growth Plan, and the holding provision applied through the rezoning can only be lifted, if a subsequent EIS is completed which demonstrates that there will be no negative impacts to the natural features or the ecological functions. Subsequently, the rezoning will also implement a holding provision on the retained lot, requiring a

satisfactory EIS demonstrating that there will be no negative impacts to the adjacent woodlands as a result of a future single detached dwelling.

As such, consistency with the PPS has been addressed.

### **City of Kawartha Lakes Official Plan (Official Plan):**

The previous matters of concern with respect to the Official Plan were related to conformity with Section 10.5 which states that archaeological assessments are required for all lands within 300 metres of a watercourse. As previously discussed, while an archaeological assessment was submitted, it did not contain all areas of the subject property that are within 300 metres of a watercourse. In response to concerns raised, additional studies were completed. The additional archaeological assessment was reviewed by concerned parties and City staff. Previous concerns have been resolved and there are no longer any concerns with respect to the archaeological assessments.

The zoning by-law amendment will implement measures to provide protection to identified natural heritage features and their functions. The rezoning of the natural heritage and hydrologic features on site will complement the existing Environmental Protection designation of the Official Plan. In accordance with policy 3.5.5 of the Official Plan, an EIS was prepared to determine developable areas on site, and to determine an appropriate buffer and mitigation measures for features. This demonstrates conformity with the Official Plan. The rezoning will implement holding provisions tied to completion of an additional EIS demonstrating no negative impacts to existing features as a result of any future development.

Conformity with the Official Plan has been addressed.

### **United Townships of Laxton, Digby, and Longford Zoning By-law 32-83**

The subject site is currently zoned Rural General (A1) Zone, and Limited Service Residential (LSR) Zone, according to Schedule "A" to the United Townships of Laxton, Digby and Longford Zoning By-law 32-83.

The Zoning By-law Amendment application is seeking to rezone:

- The portion of the property that includes the proposed severed lot from Limited Service Residential (LSR) Zone to Limited Service Residential Exception Six (LSR-6) Zone to recognize the reduced lot frontage;
- The areas containing the wetlands, significant woodland, and watercourse from Rural General (A1) Zone to Open Space Exception One Holding (O1-1(H)) Zone; and

- The remaining portion of the proposed future retained lands to be rezoned from Rural General (A1) Zone to Rural General Exception Two (A1-2) and Rural General Exception Three Holding (A1-3(H)) Zone to recognize a reduced lot area.

Pending the future severance, the proposed severed lot will have frontage along Adair Court of roughly 20.12 metres, whereas the LSR Zone requires a minimum frontage of 25 metres.

To provide additional protection to the natural features identified on the subject site, the amendment proposes adding an exception to the Open Space Zone to limit permitted uses to those specifically permitted under the Growth Plan Section 4.2.3.1. A holding provision is proposed to be added to the Open Space Zone, tied to small scale structures and/or future expansion of existing uses, which could only be lifted once any potential impacts to the natural features resulting from any future development are addressed through an Environmental Impact Study.

The proposed retained lot does not meet the minimum lot area requirements of the A1 Zone. The proposed retained lot has an area of 5.17 hectares. The A1 Zone requires a minimum lot area of 25 hectares. The proposed retained lot will be rezoned to multiple different zones, prompting the amendment to the Rural General Exception zone to recognize a reduced lot area. A Holding Provision is proposed for one of the Rural General Exception zones, to be lifted following the completion of an EIS to demonstrate no negative impact to the Significant Woodland as the result of development of a single detached dwelling in the future. It is understood that the proponent intends to address removal of the Holding Provisions with the future zoning by-law amendment application to demonstrate no negative impacts to these features.

Staff are supportive of the Zoning By-law Amendment and recommend that it be approved.

### **Agency Review Comments:**

At the time of the Public Meeting in January 2024, comments were still outstanding on the Environmental Impact Study, and a further Archaeological Assessment was required, resulting in the application being referred back. Since that time, concerns regarding the archaeological assessment have been resolved, and comments received on the EIS indicate that the zoning by-law amendment can be supported.



## **Conclusion and Recommendation:**

Given the comments contained in this report, Staff respectfully recommends that the Zoning By-law Amendment, respecting application D06-2023-028, substantially in the form attached as Appendix 'D' to Report **PLAN2024-043**, be approved and adopted by Council.

## **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 Map



Appendix A

### Appendix B – Aerial



Appendix B

### Appendix C – Sketch



Appendix C

### Appendix D – Draft Zoning By-law Amendment



Appendix D

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

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

**Department File:** D06-2023-028