

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-008

Date: February 8, 2017

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier: Ward 2 – Laxton

Subject: An application to amend the United Townships of Laxton Digby and Longford Zoning By-law 32-83 to recognize lot frontage, shoreline lot frontage, area and water setback/buffer requirements for the lots to be created on the property identified as 7244 Highway 35 (MOORE) – Planning Application D06-17-001.

Author/Title: David Harding, Planner I

Signature:

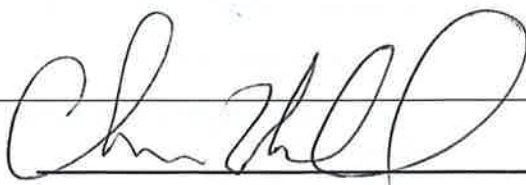


Recommendations:


RESOLVED THAT Report PLAN2017-008, Part South Half of Lot 2, Concession 11 as in R404100, geographic Township of Laxton, "MOORE – Application D06-17-001", be received; and

THAT Application D06-17-001 be referred back to staff for further review and processing until such time that all agency comments have been received and any comments and concerns have been addressed.

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

Provisional consent to create 2 residential lots of a similar shape to the ones currently proposed was previously granted for applications D03-06-084 and 085. A condition of each provisional approval was that a portion of the property be rezoned from “Recreation (C3) Zone” to “Limited Service Residential (LSR) Zone”. The zoning by-law amendment was implemented, but the consent conditions were only partially fulfilled. Provisional consent lapsed in 2009. The property was subsequently sold.

On July 22, 2016, the Committee of Adjustment granted provisional consent to applications D03-16-003 to 005 to create two shoreline residential infill lots and an easement to provide access to Highway 35. The LSR Zone on the subject property does not comply with today’s lot creation requirements. Both lot creation decisions contain a condition requiring a zoning by-law amendment to implement the new lot creation policies specified with the City of Kawartha Lakes Official Plan. The condition reads:

The applicant apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned from Limited Service Residential (LSR) Zone to Limited Service Residential Exception (LSR-*) Zone to establish a 30 m. water setback for all buildings and structures with the exception of one dock, identify the first 30 m. from the high water mark as a no-mow zone, and permit the proposed lot configuration (road frontage, shoreline frontage, area), and the By-law be in effect.

This application implements this condition in both lot creation decisions.

Owner:	Craig Moore
Legal Description:	Part South Half of Lot 2, Concession 11 as in R404100, Geographic Township or Laxton
Designation:	“Waterfront” - City of Kawartha Lakes Official Plan
Zone:	“Limited Service Residential (LSR) Zone” and “Recreation (C3) Zone”, United Townships of Laxton, Digby and Longford Comprehensive Zoning By-law 32-83, as amended
Site Size:	Severed 1 – 0.45 ha. Severed 2 – 0.45 ha. Retained – 2.1 ha.
Site Servicing:	Severed – none Retained - septic system, lake-based water supply
Existing Uses:	Seasonal residential
Adjacent Uses:	North – Shoreline Residential, Resort Commercial West – Rural East – Shadow Lake South – Shoreline Residential

Rationale:

The applicant had submitted the following reports and plans in support of the consent applications, which were circulated to various City Departments and commenting Agencies for review.

1. Scoped Environmental Impacts Study prepared by Niblett Environmental Associates Inc. dated July 2015.
2. Stage 1-2 Archaeological Assessment prepared by AMICK Consultants Ltd. dated September 16, 2015.
3. Planning Justification Report prepared by EcoVue Consulting Services Inc. dated September 28, 2015.
4. 7244 Hwy 35, Shadow Lake Severance – Shoreline Buffer Amendment prepared by Niblett Environmental Associates Inc. dated July 20, 2016.

Staff reviewed this supporting material during the consent application process.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas. The lot is located within the “Rural Areas” under the GP which allows for new residential units in site-specific locations where permitted by the municipal official plan.

Therefore, this application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreation uses are permitted. The application will facilitate the creation of two shoreline residential infill lots on Shadow Lake. As the lots have the ability to utilize the recreational resource of Shadow Lake, this proposal is consistent with the intent of development for recreation uses in the PPS.

The Environmental Impact Study (EIS) has identified Shadow Lake as the natural feature abutting the property. The PPS has policies to protect natural features and areas including lake water quality for the long term. The EIS satisfactorily demonstrates that the proposed new dwellings will be located outside natural heritage features and provides a buffer to these features. To be consistent with the PPS, the EIS recommends that development be restricted from the natural features and buffer area.

Additional comments are provided under Planning Division Comments to ensure the Zoning By-law amendment is consistent with the PPS.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (Official Plan) has designated the land as “Waterfront”.

The Waterfront designation permits seasonal and permanent residential development adjacent to lakes and rivers. Such development shall be compatible with the surrounding character and not result in adverse environmental impacts. Naturalized and/or vegetated shorelines are to be restored wherever possible. The designation provides for shoreline residential lot infill provided the lots maintain at least 30 m. of road frontage, 3000 sq. m. of lot area, and a water setback of 30 m. The land within the water setback shall be maintained in a natural state with no disturbance with the exception of one dock.

Additional comments are provided under Planning Division Comments to ensure the Zoning By-law amendment is consistent with the Official Plan.

Zoning By-Law Compliance:

The subject land is zoned “Limited Service Residential (LSR) Zone” and “Recreation (C3) Zone” in the United Townships of Laxton, Digby and Longford Comprehensive Zoning By-law 32-83. The applicant has submitted an application to amend the Zoning By-law on the portion of the site zoned LSR. The application proposes to add a site-specific exception to the LSR Zone, to permit:

- (1) A minimum lot frontage of 30 m.
- (2) A minimum lot area of 3000 sq. m.
- (3) A minimum water setback of 30 m., and
- (4) For the land within the water setback to be maintained in a natural state with the exception of one dock.

A vacation dwelling is a permitted use in the LSR Zone. As the United Townships of Laxton, Digby and Longford Zoning By-law has not been updated to be consistent with the Official Plan, these amendments are necessary to implement Official Plan and Provincial policy.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial Considerations:

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

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a healthy environment goal as it protects natural features and functions as well as water quality through an appropriate development form.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The retained lot is serviced by one (1) private individual sewage system and private individual well. The Building Division – Part 8 Sewage Systems Inspector has advised there is sufficient area to provide a sewage system on each proposed residential lot to service the two proposed dwellings.

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. To date, we have received the following comments:

Agency Review Comments:

January 10, 2017 – The Building Division has no objection to the application.

January 16, 2017 – The Building Division – Part 8 Sewage Systems Inspector advised there is sufficient area to install the required sewage systems on both proposed residential lots.

January 18, 2017 – Chippewas of Rama First Nation has not identified concerns.

January 25, 2017 – The Engineering and Corporate Assets Department has no objection to the application.

Development Services – Planning Division Comments:

The appropriate background studies in support of the applications have been submitted and were previously circulated to the appropriate Agencies and City Departments for review and comment as part of the review of the consent applications.

The EIS proposed a number of best construction and planting practices to protect lake water quality, consistent with the City of Kawartha Lakes Official Plan. The most effective mechanism to protect lake water quality is to require a minimum 30 m. buffer from the lake.

At the request of the owner, the zoning by-law amendment application was re-circulated to the Kawartha Region Conservation Authority for comment to assess the appropriateness of requiring a 30 m. water setback, and determine how the water setback complies with the City of Kawartha Lakes Official Plan and Provincial Policy Statement. Staff has not received comment from the Kawartha Region Conservation Authority (KRCA). The Ministry of Transportation (MTO) has also yet to comment on the application.

Conclusion:

In consideration of the comments contained in this report, and the fact that comments have yet to be received from the KRCA and MTO, Staff respectfully recommends that the application to amend the Zoning By-law be referred back to Staff for further review and processing until such time as comments have been received from the public as well as all circulated Agencies and City Departments, and that any comments and concerns have been resolved.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2017-008.pdf

Appendix 'B' – Site Plan



Appendix B to
PLAN2017-008.pdf

Appendix 'C' – Aerial Photo



Appendix C to
PLAN2017-008.pdf

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Department Head:	Chris Marshall, Director, Development Services
Department File:	D06-17-001

to

REPORT PLAN2017-008

FILE NO: D06-17-001

Geographic Township of Laxton

Lot 3

Lot 2

Concession 11

Lot 1

Highway #35

Goldrock Rd.

Bandorie

Lane

SUBJECT LAND

Shadow Lake

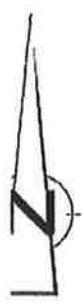


MOORE - Preliminary Concept Plan - 7244 HWY 35 APPENDIX " B "

SKET

to
REPORT PLAN2017-001
FILE NO: D06-17-001

Seasonal
Residential



Hwy 35 (public travelled)

