

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-012

Date: March 8, 2017

Time: 1:00 p.m.

Place: Council Chambers

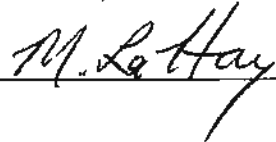
Public Meeting

Ward Community Identifier: Ward 6 - Fenelon

Subject: Official Plan Amendment (D01-17-001) and Zoning By-law Amendment (D06-17-005) Applications to re-designate and rezone a 0.36 ha. portion of the subject land from the "Rural" designation and the "Agricultural (A1)" Zone to "Waterfront" designation with a Special Area Policy and to Limited Service Residential Exception (LSR-*) Zone to facilitate a future consent for a lot addition on the property described as Part Lot 25, Concession 8, geographic Township of Fenelon, Potts Shore Road (O'CONNOR).

Author/Title: Mark LaHay, Planner II

Signature:

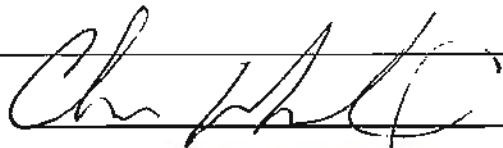


Recommendations:

RESOLVED THAT Report PLAN2017-012, respecting Part Lot 25, Conc. 8, geographic Township of Fenelon, "O'CONNOR – Applications D01-17-001 & D06-17-005", be received; and

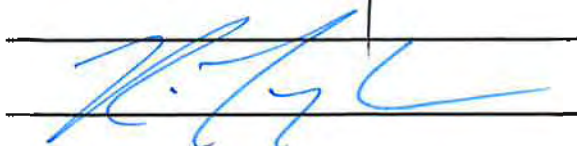
THAT the application respecting the proposed Amendments to the City of Kawartha Lakes Official Plan and Township of Fenelon Zoning By-law, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and that any comments and concerns have been addressed.

Department Head:



Corporate Services Director / Other:

Chief Administrative Officer:



Background:

The applicant has submitted an application to re-designate and rezone a 0.36 ha. (0.89 ac.) portion of the subject land from the "Rural" designation and the "Agricultural (A1)" Zone to "Waterfront" designation with a Special Area Policy and to Limited Service Residential Exception (LSR-*) Zone to facilitate a future consent for a lot addition. The official plan and zoning change would permit the severance of a portion of the subject land to be added to (consolidated with) a waterfront property identified as 65 Potts Shore Road. The proposed zoning of the land to be severed will not permit a dwelling and will only permit an accessory building (i.e. garage) to a dwelling on 65 Potts Shore Road.

Owner:	Laurel O'CONNOR
Applicant:	EcoVue Consulting Services Inc., c/o Kent Randall
Legal Description:	Part Lot 25, Concession 8, geographic Township of Fenelon
Designation:	"Rural" with "Significant Woodland" Natural Heritage Feature, City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1)" Zone on Schedule 'A' of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	0.36 ha. (0.89 ac.) [severed]; ~0.78 ha. (~1.9 ac.) [retained]; 0.16 ha. (~0.40 ac.) – GIS; 0.133 ha (~0.33 ac.) [benefitting lands] - MPAC
Site Servicing:	No servicing proposed on severed lands; Private individual on-site sewage disposal and well on benefitting lands
Existing Uses:	Severed and Retained land - Rural vacant land Benefitting land - Residential waterfront dwelling
Adjacent Uses:	North and South: Rural Residential/Rural East: Shoreline Residential/CameronLake West: Highway 35/Rural-Agricultural

The owner of 65 Potts Shore Road wants to define a portion of the subject property located on the westerly side of Potts Shore Road, directly opposite the owner's non-abutting waterfront property to be used for additional space to construct a proposed garage, which will be accessory to the dwelling on the waterfront property. The garage is proposed be located on a relatively flat area of the subject property that is open and cleared on soils primarily consisting of historical and recent fill.

Rationale:

The subject property is located on the north side of Bayview Road on the west side of municipally owned and maintained Potts Shore Road. The 0.36 ha portion of the subject property proposed to be redesignated and rezoned to facilitate a future severance for a lot addition will be consolidated with the adjacent 0.16 ha. waterfront parcel to accommodate a proposed garage, as an

accessory use to the existing shoreline residential use of 65 Potts Shore Road. Amendments to the Official Plan and Zoning By-law are necessary for the severed land (to be added to the benefitting land), in order to permit the proposed severance and lot addition.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review.

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated September 29, 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, and the Council adopted City of Kawartha Lakes Official Plan.
2. Environmental Impact Study prepared by Cambium Inc., dated September 9, 2016.
3. Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services, dated September 18, 2016.
4. Letter from Archaeology Review Officer of the Ministry of Tourism, Culture and Sport dated January 26, 2017 acknowledging the above assessments have been entered into the Ontario Public Register of Archaeological Reports.
5. Proposed Consent Sketch for Lot Addition for OPA & ZBA prepared by EcoVue Consulting Services Inc., dated October, 2016.

Staff has reviewed the Planning Justification Report in support of the proposed amendments and accepts the planning rationale given. However, we cannot fully evaluate the proposal as responses from other City Departments and/or commenting Agencies have not been received at this time. This includes any comments to be provided by Kawartha Conservation with respect to their review of the submitted Environmental Impact Study. Staff recommends that the applications be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments, and any concerns have been addressed.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan guides land-use planning decisions including resource protection in the interest of promoting economic prosperity. Section 2.2.2 (1)(i) of the Growth Plan directs development to settlement areas except development related to the management or use of resources, resource based recreational activities and rural land uses that cannot be located within settlement areas. The proposed lot addition will facilitate a use that will be accessory to a resource based recreational activity.

Therefore, these applications conform to the policies of the Growth Plan (GP).

Provincial Policy Statement, 2014 (PPS):

The 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.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings). An accessory structure (garage) is proposed to be built on the land proposed to be severed and will be considered accessory to the existing recreational use through the addition of the parcel to the waterfront lot containing the dwelling.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in significant wetlands, significant woodlands, and significant wildlife habitat or on adjacent lands to these features including fish habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. In addition, development and site alteration shall not be permitted in habitat of endangered species and threatened species.

A scoped Environmental Impact Study (EIS) was submitted in support of the applications, which evaluated the impact of the proposed severance and construction of a garage on the surrounding natural environment. According to the EIS, the mapped significant woodland overlay does not meet the criteria to be classified as significant. There were no observed overland drainage features from the proposed severed area that would appear to impact Cameron Lake and associated fish habitat. With respect to Species at Risk (SAR), no endangered species and threatened species were observed; however the red-headed woodpecker (Special Concern) has been reported to occur in the general area of the site and may find limited suitable habitat, although no woodpecker holes were observed.

The EIS concluded that the construction of a garage would not adversely affect the ecological integrity of the property or surrounding area provided the recommendations contained within the EIS are adhered to. These include limiting tree clearing and construction activities to take place outside the bird breeding window of April 15th to July 31st, implementing recommendations to reduce the likelihood of spreading invasive vegetative species, and should any SAR be subsequently identified on the property, that it be left undisturbed and the Ministry of Natural Resources and Forestry (MNRF) be immediately notified as dictated by the Endangered Species Act (ESA), 2007.

Section 2.6 of the PPS does not permit development and site alteration on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved. A Stage 1 and 2 Archaeological Assessment was submitted concluding that the subject lands of the proposed consent are free of archeological material and no further assessment is recommended. Confirmation was received that these

assessments have now been entered into the Ontario Public Register of Archaeological Reports.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. There does not appear to be any natural or human-made hazards associated with these applications.

Therefore, these applications are consistent with the PPS.

Official Plan Conformity:

The land to be severed is designated "Rural" and the benefitting land (65 Potts Shore Road) is designated "Waterfront" in the City's Official Plan (OP). Although the focus of the rural designation is generally to protect agricultural lands from non-farm activities and preserve and promote the rural character, it also provides for the wise use and management of resource based recreational activities. However, the rural land use policies do not contemplate the type of consent proposed for a lot addition for a resource based recreational use accessory to a waterfront property. As such, the Waterfront designation is considered more appropriate, recognizing this accessory use, which is to be legally associated with the waterfront parcel, which permits a vacation or single detached dwelling.

As there is no wetland between the upland and open water, Section 20.3.4 of the OP supports the Waterfront designation, which will apply if development functionally related to and utilizes recreational features of the lake or river. The proposed lot addition will not alter existing shoreline character nor represent intrusive waterfront development in keeping with Sections 20.3.7 and 20.3.11.

Under Section 33.3.7, consents which have the effect of changing boundary lines and which do not create additional lots, should be evaluated on their own merits. The application proposes a Special Policy for the proposed severed lot to be added to an existing waterfront lot with a waterfront use, which does not have the effect of creating a separate building lot that complies with relevant policies.

Zoning By-Law Compliance:

The land to be severed is zoned "Agricultural (A1)" Zone in the Township of Fenelon Zoning By-law 12-95, which permits agricultural uses, kennels, riding and boarding stables, a single detached dwelling and home occupation amongst other uses. The benefitting lot containing the existing recreational dwelling is zoned Limited Service Residential (LSR), which permits the existing uses. The applicant has submitted a Zoning By-law Amendment application for consideration to restrict the use of the subject land to accessory residential uses (i.e. garage) to a dwelling located on 65 Potts Shore Road. The application proposes an LSR exception zone category for the proposed severed lot to recognize land use restrictions that will prohibit a residential dwelling or other

primary building or structure, to implement the proposed Official Plan Amendment.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments 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 City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the healthy environment priority and quality of life priority by creating a larger property with sufficient land area to support the existing and proposed development without over developing the lakefront.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The vacant land portion to be severed is not serviced and the proposed zoning exception does not permit a residential use. The existing single detached dwelling on the benefitting land is serviced by a private sanitary sewage disposal system and individual well.

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:

The Building Division advised on February 13, 2017 that there are no concerns.

The Building Division – Part 8 Sewage Systems advised on February 15, 2017 that there were no issues with these applications.

Development Engineering Division confirmed on February 16, 2017 that they have no objection to or comment on the proposed amendments.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the applications for official plan and zoning by-law amendment. These reports and background studies have been circulated to the appropriate Agencies and City Departments for review and comment. At this time, comments have not been received from all circulated Agencies and City Departments. Staff recommends that the applications be referred back to staff until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all comments have been received from all circulated Agencies and that any comments and concerns have been addressed.

Attachments:



Appendix 'A'.pdf



Appendix 'B'.pdf



Appendix 'C'.pdf



Appendix 'D'.pdf

Appendix 'A' – Location Map

Appendix 'B' – Consent Sketch for Proposed OPA and ZBA for Lot Addition

Appendix 'C' – Aerial Photo

Appendix 'D' – Draft Official Plan Amendment

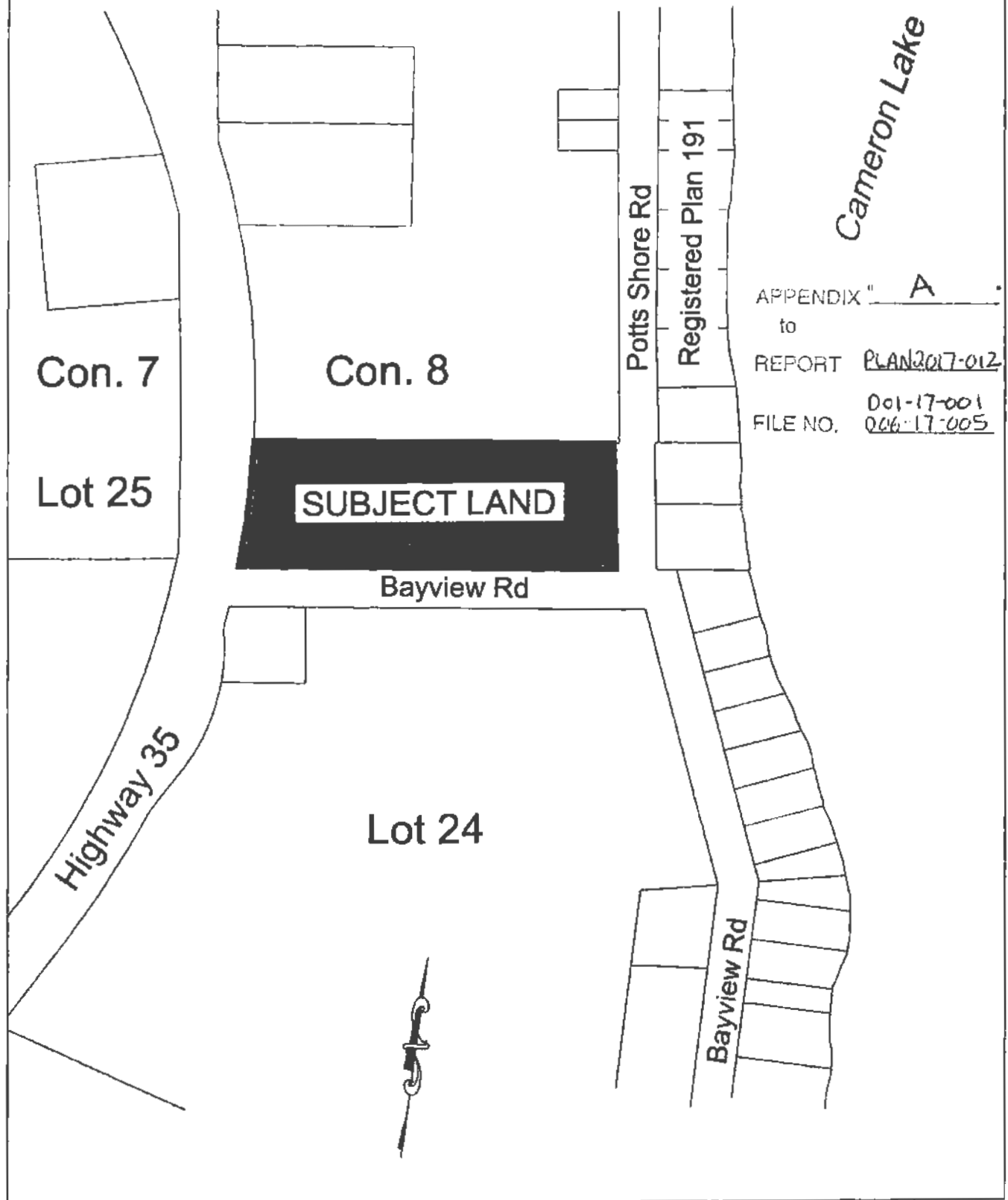
Phone: 705-324-9411 or 1-888-822-2225 ext. 1324

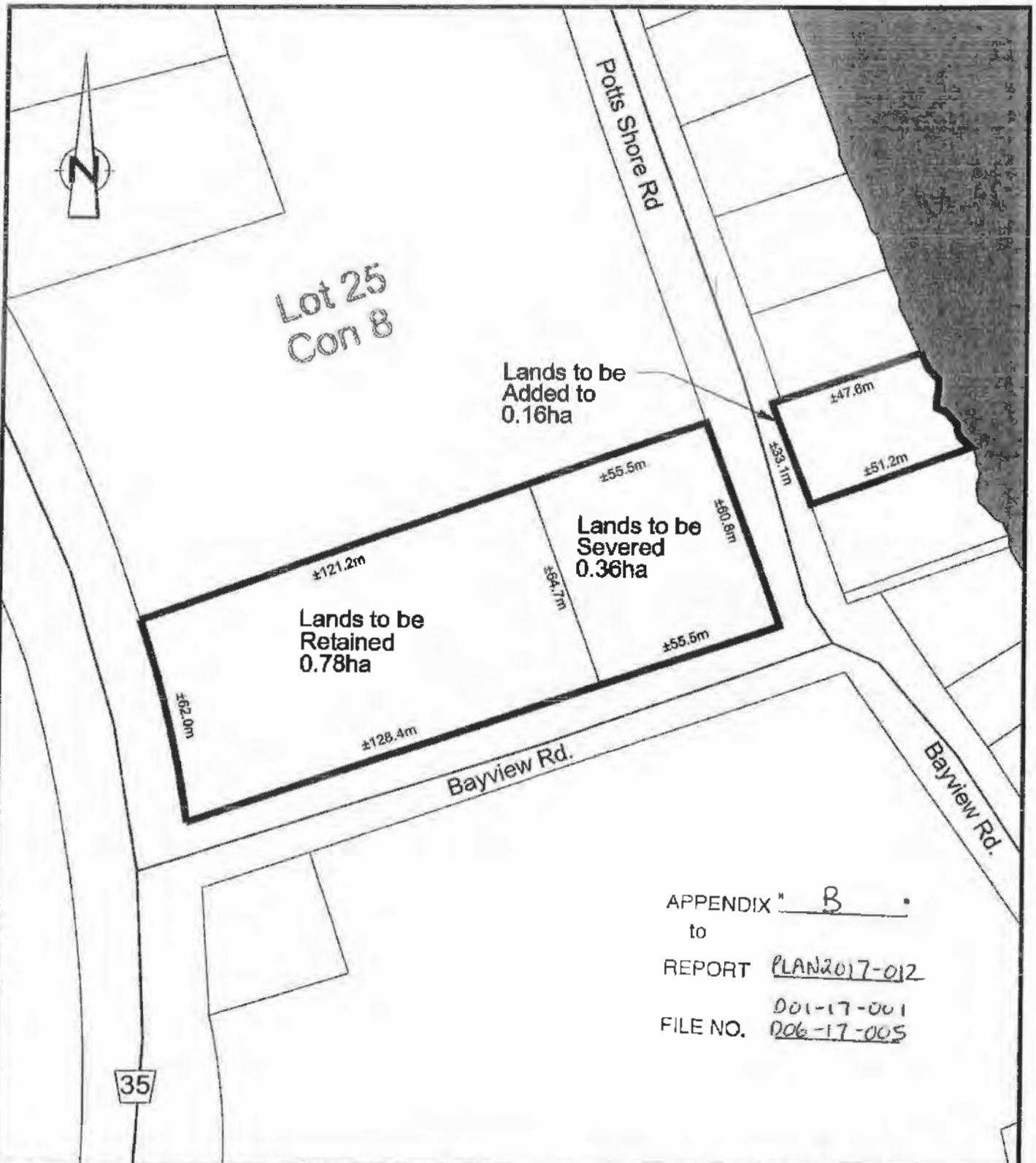
E-Mail: mlahay@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department File: D01-17-001 & D06-17-005

Geographic Township of Fenelon





APPENDIX " B " to
 REPORT PLAN2017-012
 FILE NO. 001-17-001
006-17-005

Part Lot 25, Concession 8 - Potts Shore Road (Fenelon)



Legend

- Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- Property ROLL#
- Lots and Concessions
- KRCA Regulated Areas

APPENDIX C
to
REPORT PLAN 2017-012
FILE NO. D01-17-001
D06-17-005

Notes

D01-17-001 & D06-17-005

0.18

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Subject: **Official Plan Amendment**
O'Connor Lot Addition
Potts Shore Road

APPENDIX " D "
to
REPORT PLAN2017-012
FILE NO. 001-17-001
006-17-005

Page | 1

PART "B" -- THE AMENDMENT

1. INTRODUCTORY STATEMENT

All of this part of the document entitled "Part "B" -- THE AMENDMENT consisting of the following text and the attached map designated as Schedule "A" constitutes Amendment No. ____ of the Official Plan of the City of Kawartha Lakes.

2. DETAILS OF THE AMENDMENT

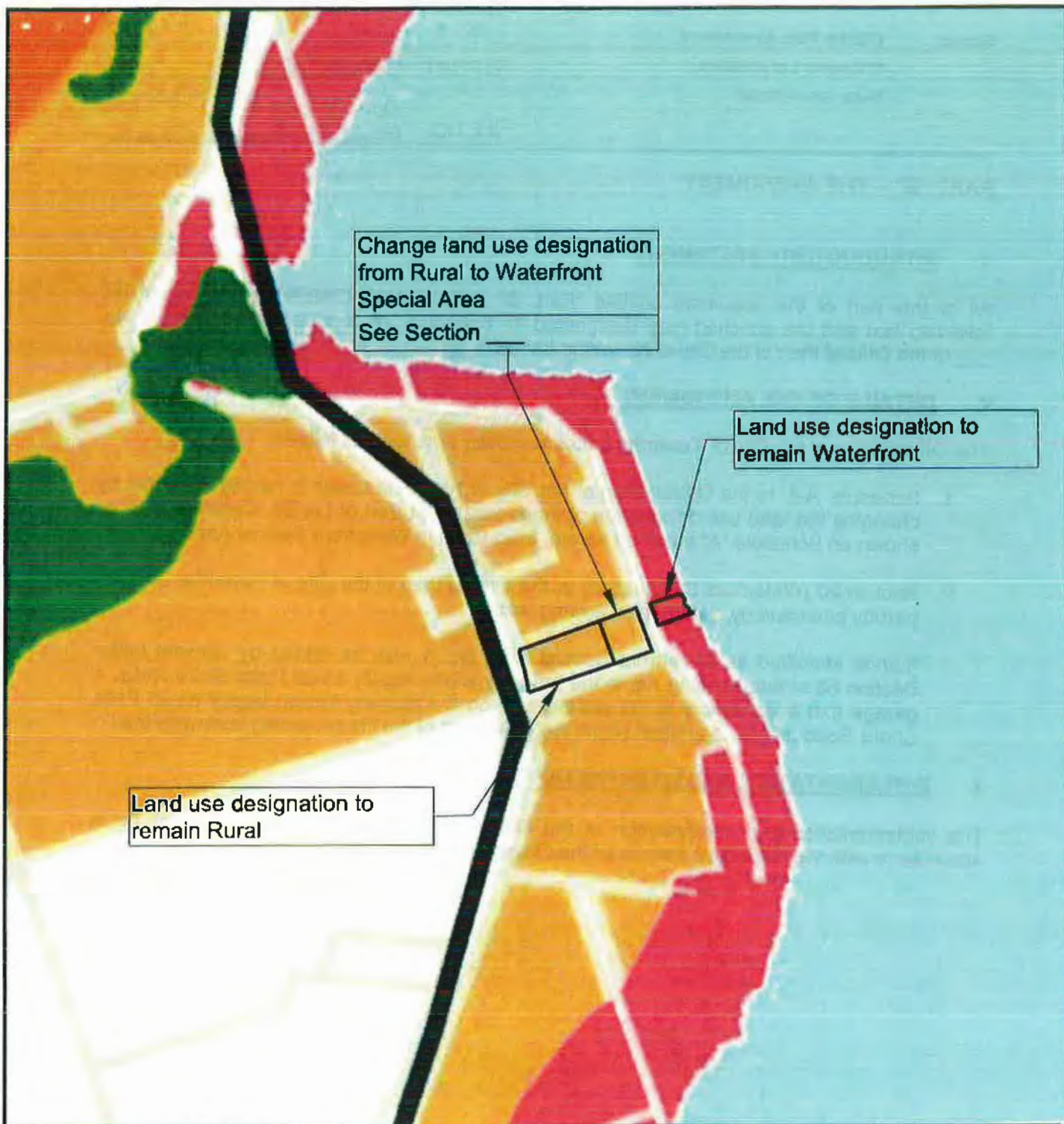
The Official Plan of the City of Kawartha Lakes is hereby amended as follows:

1. Schedule 'A-5' to the Official Plan of the City of Kawartha Lakes is hereby amended by changing the land use designation of lands located at Part of Lot 25, Concession 8, as shown on Schedule "A" attached hereto, from Rural to Waterfront Special Area.
2. Section 20 (Waterfront Designation) of the Official Plan of the City of Kawartha Lakes is hereby amended by adding the following text:

"Lands identified as Waterfront Special Area No. 1 may be added by consent under Section 53 of the Planning Act to the property known legally as 65 Potts Shore Road. A garage that is accessory to the primary use on the property known legally as 65 Potts Shore Road may be permitted within the provisions of the implementing zoning by-law."

3. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of the Official Plan Amendment No. ____ shall be in accordance with the respective policies of the Official Plan of the City of Kawartha Lakes.



Subject Property:
Part of Lot 25 Con 8, 65 Potts Shore Rd.
Former Township of Fenelon
City of Kawartha Lakes



www.ecovueconsulting.com

PROJECT NO: 16-1616

DATE: Oct 7 2016

HORIZ. SCALE: 1:7,500

Schedule "A"
Amendment No. ____

Official Plan of
City of Kawartha Lakes