

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-062

Date: November 8, 2017

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier: Ward 11 - Ops

Subject: Applications for Official Plan and Zoning By-law Amendment together with a Draft Plan of Subdivision to permit 8 lots for single detached dwellings on the east side of an extension to O'Reilly Lane, geographic Township of Ops, now City of Kawartha Lakes (2042825 ONTARIO INC.)

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendation(s):

RESOLVED THAT Report PLAN2017-062, respecting **Part of Lots 6 & 7, Concession 2, geographic Township of Ops, “2042825 ONTARIO INC. – Applications D01-16-006, D06-16-031 & D05-16-004”**, be received;

THAT a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix ‘C’ be referred to Council for adoption;

THAT the zoning by-law amendment, substantially in the form attached as Appendix ‘D’ be referred to Council for approval and adoption;

THAT the Draft Plan of Subdivision (16T-16501), Application D05-16-004, as shown on Appendix ‘B’ and the conditions substantially in the form attached as Appendix “E” to Report PLAN2017-062, be approved and adopted by Council; and

THAT in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

Department Head:

Legal/Other:

Chief Administrative Officer:

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Background:

The statutory public meeting was held by the Planning Committee on November 9, 2016 and following resolution was passed:

PC2016-036

Moved By Councillor Stauble

Seconded By Councillor Miller

RESOLVED THAT Report PLAN2016-069, respecting **Part of Lots 6 & 7, Concession 2, geographic Township of Ops, 2042825 ONTARIO INC. – Applications D01-16-006, D06-16-031 & D05-16-004**, be received; and **THAT** the applications respecting Applications D01-16-006, D06-16-031, and D05-16-004 be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

CARRIED

This report addresses that direction.

2042825 Ontario Inc. proposes to develop a 6.5 ha. shoreline residential plan of subdivision consisting of an extension to the municipal road known as O'Reilly Lane; 8 residential lots for single detached dwellings; and 4 blocks: 1 block to recognize an existing burial plot; 1 block for drainage purposes; and 2 blocks for 0.3 m. reserves along the west and north side of the proposed municipal road. The proposed lots will front onto a new municipal road which is an extension from the north end of O'Reilly Lane, and will be developed on private individual services. See Appendix 'B'. The Official Plan Amendment proposes a special policy to reduce the minimum lot frontage requirement in the City of Kawartha Lakes Official Plan (OP). See Appendix 'C'. The Zoning By-law Amendment proposes to rezone the land from the "Agricultural (A) Zone" and "Hazard Land (HL) Zone" to the "Shoreline Residential (RS) Zone" and "Shoreline Residential Exception ** (RS-**) Zone". See Appendix 'D'.

Owners:	2042825 Ontario Inc. c/o Robert Catenacci; Robert, Maria and Claudio Catenacci; Anthony Tenaglia
Applicant:	EcoVue Consulting Services Inc. – Kent Randall
Legal Description:	Part of Lot 6 & 7, Concession 2, geographic Township of Ops
Designation:	"Waterfront", "Prime Agricultural", and "Environmental Protection" on Schedule 'A-3' to the City of Kawartha Lakes Official Plan. The land contains "Provincially Significant Wetlands" and "Significant Woodlands" as shown on Schedule 'B-3' to the City of Kawartha Lakes Official Plan.

Zone:	“Agricultural (A) Zone” and “Hazard Land (HL) Zone” on Schedule ‘A’ of the Township of Ops Zoning By-law No. 93-30		
Lot Area:	72.66 ha. [179.55 ac. – MPAC] – approximately 6.5 ha. subject to applications		
Site Servicing:	Proposed private sanitary on-site sewage disposal system and individual well, stormwater management pond and drainage swales and ditches		
Existing Uses:	Vacant Land – Agricultural		
Adjacent Uses:	North:	Agricultural	
	East:	Scugog River	
	South:	Shoreline Residential	
	West:	Agricultural	

Rationale:

The property is located to the north of O'Reilly Lane, in the Geographic Township of Ops. See Appendix 'A'. The subject lot is approximately 72.6 ha., of which only 6.5 ha. is proposed for this residential development. The proposed development will be privately serviced by individual well and on-site sanitary sewage systems and swales. The lots will be accessed by an extension of O'Reilly Lane, which will be constructed with a rural cross-section, including ditches.

A portion of the shoreline is designated “Waterfront” in the City of Kawartha Lakes Official Plan (OP). This portion was previously designated “Shoreline Residential” in the Township of Ops Official Plan. Amendments to the OP and Zoning By-law are necessary to recognize site-specific standards and to permit the residential use and plan of subdivision. A Planning Justification Report (PJR) and addendum letter; a Functional Servicing Report (FSR) & Preliminary Stormwater Management Plan (SWM); a Hydrogeological Assessment Report (HydroG); a Stage 1 & 2 Archaeological Assessment; an Environmental Impact Study (EIS); and an Agricultural Impact Assessment (AIA) with Minimum Distance Separation (MDS) calculations have been submitted in support of these applications.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The current Growth Plan (GP) came into effect July 1, 2017. Decisions made by Council on planning matters after July 1 must conform to the policies of the GP. The GP provides that growth should be directed towards settlement areas, except where the policies of the GP permit otherwise. This property is located outside of a settlement area, and is subject to the Rural Areas policies, which permit growth related to the management or use of resources, resource-based recreational uses, and rural land uses that are not appropriate in settlement

areas. Section 2.2.9.6. of the GP allows new multiple lots for residential development in site-specific locations which, as of June 16, 2006, had approved zoning or were designated to permit this type of development. The portion of the lot subject to these applications was designated “Shoreline Residential” in the Township of Ops Official Plan on June 16, 2006. This designation permitted lot creation for single detached dwellings.

The GP now includes additional policies for protecting what is valuable. These policies are in conjunction with the relevant policies in the Provincial Policy Statement, 2014. These include policies for: Water Resource Systems; Natural Heritage Systems; Key Hydrologic Areas, Features, and Natural Heritage Features; Agricultural System; Cultural Heritage Resources; and Climate Change. The applicant was requested to prepare an addendum to the PJR which addresses the 2017 Growth Plan. The addendum letter notes that an EIS was submitted which addresses these policies. Additional information is provided under the heading “Provincial Policy Statement, 2014” below.

On this basis, these applications conform to the 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. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses. The PPS provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Agricultural and other resource-related uses should be promoted and protected, and non-related development should be directed to areas where it will minimize constraints on these uses. The applicant has submitted the relevant studies and reports in support of the development. The Engineering and Corporate Assets Department have reviewed the FSR and SWM Plan in conjunction with the proposed Draft Plan of Subdivision and advised they are satisfied with the current submission. Draft Plan Conditions have been provided for inclusion. See Appendix ‘E’. The Building Division – Sewage System Program has advised that the HydroG report supports that Class 4 sewage systems are acceptable for installation on the proposed lots.

Development shall be directed in accordance with the Natural Heritage and Natural Hazard policies of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. An EIS was submitted in support of the applications, and Kawartha Region Conservation Authority (KRCA) has confirmed that they have

no objection to approval of these applications, subject to the mitigation measures provided in the EIS. Draft Plan Conditions have been provided for inclusion.

On this basis, these applications are consistent with the PPS.

Official Plan Conformity:

The land is designated “Waterfront”, “Prime Agricultural” and “Environmental Protection” on Schedule ‘A-3’ of the City of Kawartha Lakes Official Plan (OP). Portions of the property have been identified as “Provincially Significant Wetland” (PSW) and “Significant Woodlands” on Schedule ‘B-3’ of the OP. The “Environmental Protection” designation applies to the PSW, which is located to the northeast of the proposed development area. The “Waterfront” designation applies to the shoreline of the property, extending north from the current terminus of O’Reilly Lane to the PSW, a distance of approximately 310 m. The western boundary of the waterfront designation does not follow any geographically-related features. The remainder of the property is designated “Prime Agricultural”.

The interpretation policies of the OP state that the boundaries of the land use designations are approximate, and are considered absolute only where bounded by roads, rivers, lakes, and other geographical features. Amendments to the OP are not required for minor adjustments to the approximate boundaries if the overall intent of the OP is preserved. It is the intent of the “Waterfront” designation to permit lot creation, with lot sizes and development design responding directly to the natural shoreline character. The development shall be compatible with the surrounding character and not result in adverse environmental impacts.

The OP requires a minimum lot area of 4,000 sq. m. and a minimum lot frontage of 60 m. for new lot creation in the “Waterfront” designation. The proposed development complies with the minimum lot area provisions, but does not comply with the minimum lot frontage provisions. The applicant proposes to include a special OP policy to reduce the minimum lot frontage requirement from 60 m. to approximately 38 m. For the purposes of the OP, lot frontage is deemed to be along the municipal road. In support of this request, the applicant has submitted an EIS to assess the environmental impacts of the development, an FSR and SWM Report to assess servicing and stormwater, and a HydroG Report to assess the availability of potable water to service the proposed development. As previously noted in the PPS comments above, confirmation has been provided by the appropriate agencies and departments in regards to the suitability of the submitted studies.

The proposed OP amendment will allow for lot creation with lot sizes and development design responding to the natural shoreline character, which is compatible with the surrounding neighbourhood character, and not result in adverse environmental impacts.

Zoning By-Law Compliance:

The subject land is zoned “Agricultural (A) Zone” and “Hazard Land (HL) Zone” in the Township of Ops Zoning By-law 93-30. The applicant has submitted a Zoning By-law Amendment application, which proposes to change the zone category to the “Shoreline Residential (RS) Zone” for Lots 4 to 8, and “Shoreline Residential Exception ** (RS-**) Zone” for Lots 1 to 3, which will have lot frontages less than the minimum 38 m. required for the “RS” zone. For the purposes of the By-law, on a waterfront lot, lot frontage is deemed to be along the shoreline, and the lot line along the road frontage is deemed to be the rear lot line.

As a minimum 30 metre water setback is proposed for all buildings and structures, exception zones will be required for all of the proposed lots, to include a minimum 30 metre water setback for all buildings and structures, and to prohibit the construction of boathouses within the setback. The “Shoreline Residential Exception Two (RS-2) Zone” will be applied to Lots 1 to 3, and the “Shoreline Residential Exception Three (RS-3) Zone” will be applied to Lots 4 to 8. The “Hazard Land (HL) Zone” will continue to apply to the surveyed limit of the shoreline floodplain along the 8 proposed lots. Additionally, an “Open Space Exception Seven (OS-7) Zone” will be placed on Block 10, for drainage purposes, and “Open Space Exception Eight (OS-8) Zone” will be placed on Block 9, to recognize the burial site.

The applicant proposed a Holding (H) Provision be applied to Lots 6 to 8, as a Stage 3 Archaeological Assessment is required for these lots, prior to any development. Staff recommends applying the Holding symbol to the entire subdivision, to ensure that a secured subdivision agreement is executed, and to require the development of each lot be subject to site plan control. The purpose of the site plan agreement is to protect the 30 metre shoreline buffer in its natural state, and to control access points to the shoreline through the development process. The Stage 3 Archaeological Assessment will be required to be completed before the holding provision can be lifted from proposed Lots 6 to 8. If any features are identified to be protected, the site plan agreement will identify the areas which cannot be developed and/or are protected.

Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

Site Specific Issues:

The following issues are identified on the subject property:

Burial Site Block

It has been determined that the burial site will remain in private ownership.

Stormwater Management

It has been determined through the preliminary stormwater management review that the drainage block will be conveyed to the City. A draft plan condition has been included that the owner shall convey Block 10 to the City for drainage purposes.

Road Improvements

As previously noted, the proposed plan of subdivision proposes to extend O'Reilly Lane for connectivity with the neighbouring development to the south. As such, draft plan conditions have been included to provide for the design and construction of road improvements.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments and the draft approval request are 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 Recommendation(s) 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 aligns with the vibrant and growing economy strategic goal as it attracts new residents.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The lots are proposed to be privately serviced with wells, septic sewage disposal systems, and roadside ditches and swales.

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 and Public Comments:

October 14, 2016 – The Building Division advised it has no concerns with the creation of 8 new residential lots.

October 17, 2016 – Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.

October 25, 2016 – Enbridge Gas advised it does not object to the proposed applications.

October 26, 2016 – Hydro One advised it has no comments or concerns. These comments reflect a preliminary review of Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the Owner/Applicant should consult their local area distribution supplier.

November 1, 2016 – Mississaugas of Scugog Island First Nation advised that it wishes to be notified and copied on any and all archaeological assessments being completed on the subject property.

November 9, 2016 – Carey Edwards submitted a letter stating his 2 concerns are safety due to construction traffic and potential damage to the existing road.

November 10, 2016 – Trent Severn Waterway advised it does not have concern with the proposed applications, but advised any in-water works will require an In-Water and Shoreline Works permit, and that placing fill on the bed of the river to enlarge or straighten the shoreline is prohibited.

November 18, 2016 – Archie Tantalus submitted a letter stating his concern is regarding the nesting of Canada Geese on the site.

November 30, 2016 – Curve Lake First Nation advised that it has received the notice of public meeting and has suggested it be shared with the Williams Treaties First Nation Process Co-ordinator/Negotiator. They also advised they wish to be contacted should any excavation unearth bones, remains, or other such evidence of a native burial site.

January 23, 2017 – The Building Division – Part 8 Sewage System Program advised a site visit was completed November 7, 2016, and determined that Class

4 sewage systems are acceptable for installation. It has no objection to the proposed subdivision.

February 1, 2017 – Kawartha Region Conservation Authority (KRCA) advised that a 30 metre strip of land adjacent to any wetland or shoreline feature on the subject lands be rezoned to an Environmental Protection (EP) Zone in order to provide enhanced protection of the natural feature and prohibition of any structures. On that basis, they have no objection to the approval of these applications. These comments were re-confirmed on August 31, 2017.

August 28, 2017 – The Engineering and Corporate Assets Department advised they are satisfied with the current submission and have no further comments. These comments were further to the submission of the revised draft plan to address their comments of June 12, 2017, in which they provided draft plan conditions for the draft plan of subdivision.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the proposed amendments to the Official Plan and Zoning By-law, together with the application for Draft Plan of Subdivision. These studies have been circulated to the appropriate Agencies and City Departments for review and comment. The applications conform to the Growth Plan and are consistent with the 2014 Provincial Policy Statement. Conformity with the City of Kawartha Lakes Official Plan has been demonstrated, and staff support the request to include a special policy to recognize reduced lot frontages. The rezoning will ensure the subject land complies with the Zoning By-law. All other zoning provisions within the “RS” zone will be maintained.

Conclusion:

Staff support the applications based on the information contained in this report and the comments received as of October 27, 2017. Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications along with the application for Draft Plan of Subdivision be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix ‘A’ – Location Map



PLAN2017-062
Appendix A.pdf

Appendix 'B' – Draft Plan of Subdivision dated June 27, 2017



PLAN2017-062
Appendix B.pdf

Appendix 'C' – Proposed Official Plan Amendment



PLAN2017-062
Appendix C.pdf

Appendix 'D' – Proposed Zoning By-law Amendment



PLAN2017-062
Appendix D.pdf

Appendix 'E' – Proposed Draft Plan Conditions



PLAN2017-062
Appendix E.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D01-16-006, D06-16-031 & D05-16-004