

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-066

Date: November 8, 2017

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: 16

Subject: Request by Donald Kerr for a Revision to Woodland Hills Community Inc. Subdivision Agreement, Bethany

Author and Title: Richard Holy, Manager of Planning

Recommendations:

RESOLVED THAT Report PLAN2017-066, respecting Part Lots 24 and 25, Concession 8, geographic Township of Manvers, “Woodland Hills Community Inc. – Application D05-31-015”, be received;

THAT the revision to the Subdivision Agreement as contained in Report PLAN2017-066, be approved and adopted by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

Since 1995, Donald Kerr has developed approximately 54 hamlets residential lots in the Woodland Hills subdivision in Bethany (see Appendix “A”). The remaining development potential within draft plan of subdivision 16T-88012 is for a further 35 residential lots.

Owner:	Woodland Hills Community Inc.
Applicant:	Donald Kerr
Legal Description:	Part of Lots 24 and 25, Concession 8, geographic Township of Manvers
Designation:	“Hamlet Settlement Area” in the City of Kawartha Lakes Official Plan and “Rural Settlement” in the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)
Zone:	“Rural Residential Type Two Exception Ten (RR2-S10) Zone”, “Rural Residential Type Two Exception Thirteen (RR2-S13) Zone”, “Rural Residential Type Two Exception Fourteen (RR2-S14) Zone”, “Holding - General Commercial Exception 2 (C1-S2(H)) Zone”, and “Open Space (O1) Zone” on Schedule ‘C’ of the Township of Manvers Zoning By-law No. 87-06 and “Rural Residential Type One Exception Six (RR1-S6) Zone” on Schedule ‘B’ of the Oak Ridges Moraine Zoning By-law 2005-133
Lot Area:	Total area approximately 55 ha. [136 ac.]
Site Servicing:	Private wells, septic systems, and ditches.
Existing Uses:	Existing hamlet residential development on three subdivision phases with two additional phases to be registered
Adjacent Uses:	North: Vacant hamlet residential lands East: Vacant hamlet residential lands South: Hamlet residential uses West: Hamlet residential uses

Rationale:

The first phase of development under subdivision plan 57M-736 was subject to subdivision agreement registered in 1995 (see Appendix “B”). Development within subdivision plan 57M-790 is subject to a subdivision agreement registered in 2000, which contains a fifteen (15) year sunset clause under Section 40.1 (see

Appendix “C”). In order to facilitate the registration of the remaining 35 residential lots within the plan of subdivision and to have them continue under the provisions, Mr. Kerr has requested on behalf of Woodland Hills Community Inc. that the sunset clause be removed from the subdivision agreement.

Applicable Provincial Policies:

2017 Growth Plan for the Greater Golden Horseshoe:

The lands are identified as being in a Settlement Area in the Growth Plan for the Greater Golden Horseshoe 2017 (Growth Plan). Section 2.2.2 Managing Growth policies states that population and employment growth will be accommodated by directing development to settlement areas, and encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services. The proposal conforms to the Growth Plan by directing residential development to an existing settlement area.

2014 Provincial Policy Statement:

The 2014 PPS provides for Ontario’s long-term prosperity, environmental health and social well-being through wisely managing change and promoting efficient land use and development patterns. The proposal is consistent with the 2014 PPS by creating efficient land use and development patterns to support strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

2017 Oak Ridges Moraine Conservation Plan:

The proposal is located on lands designated as “Rural Settlement” under the “Countryside Area” policies. Since the approval predates both the 2002 and 2017 ORMCP, it can be implemented through existing approvals.

City of Kawartha Lakes Official Plan:

The proposal conforms to the City of Kawartha Lakes Official Plan policies for hamlet residential development. The proposed lots generally meet the minimum lot size and have sufficient area to accommodate private servicing.

City of Kawartha Lakes Oak Ridges Moraine Policy Area:

The proposal is located on lands designated as “Rural Settlement” under the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104). Since the approval predates these policies, it can be implemented through the existing draft plan approval.

Zoning By-law Compliance:

The subsequent lots would continue to develop in accordance with the relevant zoning provisions contained either within the Township of Manvers Zoning By-law No. 87-06 or the Oak Ridges Moraine Zoning By-law 2005-133. No amendments to the zoning provisions are proposed through this process.

Source Water Protection:

The subject lands are not identified within the Manorview or Woodfield Municipal Ground Water Systems.

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 amendment is appealed to the courts. In the event of an appeal, there would be costs.

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 aligns with the vibrant and growing economy strategic goal as it provides residential opportunities in Bethany.

Review of Accessibility Implications of Any Development or Policy:

Any applicable accessibility matters will be addressed through the the Building Permit application processes, if required.

Servicing Comments:

All servicing for the subdivision has been approved and the remaining lots can be privately serviced.

Consultations:

City Solicitor

Director of Engineering and Corporate Assets

Heather Richardson, Staples & Swain Professional Corporation

Planning Comments:

Although the applicant has effectively been working without an agreement since the agreement has lapsed, the City has continued to rely on this agreement LT0012714 for 57M-790 subject to resolving the lapsing issue. The purpose of the amendment would be to reinstate the present subdivision agreement for the remaining development contained in draft plan of subdivision 16T-88012, which is preferred by the applicant. Staff has no objections to removing the sunset clause and allowing the remaining phases of draft plan of subdivision 16T-88012 to continue in this manner. Staff would indicate that all lands contained within 16T-96501 will be subject to the City's new subdivision agreement template.

Conclusion:

In consideration of the comments contained in this report, Staff respectfully recommends that the proposed amendment to the subdivision agreement for Woodland Hills Community Inc. be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Manager of Planning, (705) 324-9411 ext. 1246.

Appendix “A” – Location Map



PLAN2017-066
Appendix A.pdf

Appendix “B” – Subdivision Agreement LT10017 for 57M-736



PLAN2017-066
Appendix B.pdf

Appendix “C” – Subdivision Agreement LT0012714 for 57M-790



PLAN2017-066
Appendix C.pdf

Appendix “D” – Proposed Amendment to Subdivision Agreement LT0012714



PLAN2017-066
Appendix D.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D05-31-015