



Planning Advisory Committee Report

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| Report Number: | PLAN2025-016 |
| Meeting Date: | March 5, 2025 |
| Title: | Applications to Amend the City of Kawartha Lakes Official Plan and Township of Dalton Zoning By-law 10-77 at 2475 Housey's Rapids Road, Washago - Faria |
| Description: | Applications to amend the City of Kawartha Lakes Official Plan and Township of Dalton Zoning By-law 10-77 at Part Lot 31, Concession 13 (Part 1, 57R-9199), Township of Dalton, Kevin M. Duguay of KMD Community Planning and Consulting Inc. (Andrew & Carolyn Faria) to facilitate a future consent application to sever land to create a new lot intended for the purpose of a detached residential dwelling |
| Type of Report: | Regular Meeting |
| Author and Title: | Amanda-Brea Watson, MCIP, RPP, and Julio Sarti Caldeira, Planning Technician, Dillon Consulting Limited on behalf of the City of Kawartha Lakes |

Recommendation(s):

That Report PLAN2025-016, **Applications to Amend the City of Kawartha Lakes Official Plan and Township of Dalton Zoning By-law 10-77 at 2475 Housey's Rapids Road, Washago - Faria** be received for information;

That an Official Plan Amendment respecting application D01-2024-008, substantially in the form attached as Appendix D to Report PLAN2025-016, be approved and adopted by Council;

That a Zoning By-law Amendment respecting application D06-2024-023, substantially in the form attached as Appendix E to Report PLAN2025-016, be approved and 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: _____

Background:

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| Owner: | Andrew & Carolyn Faria |
| Applicant: | Kevin M. Duguay of KMD Community Planning and Consulting Inc. |
| Property Description: | Legal Description: Part Lot 31, Concession 13 (Part 1, 57R-9199), Township of Dalton, City of Kawartha Lakes Municipal address: 2475 Housey's Rapids Road |
| Official Plan: | 'Waterfront', 'Rural' and 'Environmental Protection' in Schedule 'A-8' in the City of Kawartha Lakes Official Plan |
| Zoning By-law: | 'Rural General (RG) Zone' and 'Limited Service Residential Exception One (LSR-1) Zone' in Schedule 'B' in the Township of Dalton Zoning By-law 10-77, as amended |
| Area: | 5.53 ha (13.67 ac) |
| Servicing: | Water: Individual private well Sanitary: Individual private septic system Stormwater: Ditches/Swales |
| Access: | Municipal (Black River Road – KL Rd 6); Unimproved Road Allowance (PIN 631060086) Municipal (Muskoka) (Housey's Rapids Road – Muskoka Rd 6) |
| Existing Uses: | A portion of the Subject Land is currently Residential; the balance of the Subject Land is vacant |
| Adjacent Uses: | North: Lands located in the Town of Gravenhurst East: Rural, Residential (vacant) South: Residential West: Residential (portion of land is vacant) |

The applicant is seeking to amend the City of Kawartha Lakes Official Plan to support a future consent application. The request is to create a special policy that permits lot creation within the Waterfront Designation with a reduced minimum lot area of 4,000 square metres and a reduced minimum lot width of 31.35 metres on the portion of the Subject Land that is proposed to be severed.

The request also includes amendments to the Township of Dalton Zoning By-law 10-77 for both the proposed severed and retained lands. The zoning of the proposed severed

parcel would change from the 'Limited Service Residential Exception One (LSR-1) Zone' and from the 'Rural General (RG) Zone' to a 'Limited Service Residential Holding (LSR (H)) Zone', wherein the holding symbol would be removed once the proposed consent for severance is granted.

The zoning of the proposed retained lands would change from the 'Rural General (RG) Zone' to a 'Rural General Exception 9 Holding (RG-9 (H)) Zone' to recognize the reduced minimum lot area for the balance of the land and prohibit further severance. The holding symbol would be removed once the proposed consent for severance is granted.

Because a Consent for Severance application has not yet occurred, holding symbols are being applied to ensure that the proposed zoning will be in effect only if a Consent for Severance, as identified in this application, is granted by the City.

The effect of these applications will change minimum lot area requirements and policies to enable a future consent application to sever land to create a new lot intended for the purpose of a detached residential dwelling.

Rationale:

The applicant has submitted the requisite reports and plans in support of the applications, which have been circulated to various City departments and commenting agencies for review and clearance.

Policy Conformity

Provincial Planning Statement 2024 (PPS 2024)

The PPS 2024 provides a policy framework for land use planning within the Province of Ontario. The Subject Lands are serviced by a private well and septic system and lie mostly in waterfront areas, with the exception of lands located on environmental protection and rural areas, both part of the proposed lot to be retained.

Section 2.2.1 of the PPS 2024 states that an appropriate range and mix of housing options and densities shall be provided to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents. The proposed development provides a housing option in an area surrounded by existing development, and its scale is compatible with adjacent residential properties.

Policy 3.6.4 states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Both the proposed severed and retained parcels will rely on private water and septic systems.

The Official Plan Amendment and Zoning By-law Amendment will support a consent application for the creation of a residential lot, bringing housing opportunities while preserving the characteristics of the surrounding region, which aligns with the goals of the PPS 2024.

City of Kawartha Lakes Official Plan (2012)

The Subject Lands are designated 'Waterfront', 'Rural' and 'Environmental Protection' according to Schedule A-8 of the City of Kawartha Lakes Official Plan (CKLOP). The lands subject to the proposed Official Plan Amendment are located on the south portion of the Subject Lands and are entirely contained in the 'Waterfront' designation.

As per Policy 33.3.3 of the CKLOP, a Consent may be considered in the Waterfront Designation where the parcel abuts a municipal road, which makes the lands eligible for a consent for severance.

In accordance with Section 20 of the CKLOP, the goal of the Waterfront designation is to permit seasonal and limited permanent residential development adjacent to the lakes and rivers within the City. The objective is to recognize low-density seasonal and permanent residential development as the primary land use and protect the established residential character. The Official Plan Amendment and Zoning By-law Amendment applications seek to permit a permanent residential use in the form of a low-density residential development, respecting the established characteristics of the area.

Section 20.3 specifies the policies for the Waterfront designation. According to this section, a single detached dwelling is not only a permitted use, but it is also the preferred form of development. Lot sizes and development design shall not significantly alter shoreline character nor disturb significant shoreline ecosystem. The proposed development introduces a single detached dwelling, at the same time it does not affect significantly the surrounding built form and context, having little impact on the natural features and not disturbing the shoreline ecosystem.

As per Policy 20.4.2, backlot development, generally defined as a second tier of development adjacent to the first tier of Waterfront lots, is generally discouraged. In

some locations, a backlot will be permitted if it is a rounding out of development based on existing lots or where there is limited non-agricultural land between the existing waterfront development and an arterial road. Frontage on assumed public roads will be required and lot sizes will be required at a larger size than permitted for waterfront lots. Each back lot must have a minimum lot frontage of 200 metres and a minimum lot area of 2 hectares (20,000 sq m). These lot requirements apply to all lots that are not abutting water on a lake or river. Lots are also required to be wholly within 300 metres of the waters edge. Despite the minimum lot area policy, the proposed severance involves an irregularly shaped, wooded parcel that is difficult to farm and borders existing residences; therefore, the proposed area for the future severed lot is appropriate.

The minimum continuous lot frontage requirement for the Waterfront designation is 200m. However, because of a particularly irregular lot shape, the Subject Lands have only 31.35m of lot line between two other properties that front on to Black River Road. The applicant has provided a servicing study confirming that well and septic can be provided to service the proposed severed lot. Given the irregular shape and unique circumstance, allowance is being provided for the one (1) additional lot, but no further severances can be justified as this would further reduce the lot area of the lands that will continue to have frontage on Housey's Rapids Road, which is not desirable. The Official Plan Amendment is appropriate, as it addresses minimum lot area and minimum lot frontage requirements.

Township of Dalton Zoning By-law 10-77

The Subject Lands are currently zoned Rural General (RG) and Limited Service Residential Exception 1 (LSR-1). According to the description of the LSR-1 Zone, the only Permitted Use is vacation dwelling; however, the Limited Service Residential (LSR) Zone includes single detached dwelling as a permitted use. A Zoning By-law Amendment is necessary to rezone the proposed severed lands to the LSR Zone.

The provisions for the Rural General (RG) Zone requires a Minimum Lot Area of 36 hectares. The proposed retained parcel is 5.53 hectares. Accordingly, the zoning for a portion of the Retained Land will be amended to a 'Rural General 9 (RG-9) Zone', which will address the minimum lot area and prohibit further severances.

Planning staff support the proposed Zoning By-Law Amendment as the proposed zones align with the City's planning framework by contributing to the implementation of the goals and objectives for the Official Plan designations. Holding symbols will be added to both proposed zones and shall be removed once the city grants the consent as

presented in this application. Conditioning the rezoning to the process of Consent for Severance ensures the boundary of the proposed zones matches the land parcel fabric.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

In alignment with the strategic priorities, the proposed rezoning would facilitate lot severance in a waterfront area that will provide an exceptional quality of life, while maintaining support to a healthy environment.

Financial/Operation Impacts:

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

Consultations:

The Planning Division received the application submission package on June 10, 2024, which included the following reports and plans in support of the application:

- Planning Justification Report, prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated June 2024;
- Official Plan Amendment Application, prepared by Kevin M. Duguay Community Planning and Consulting Inc, dated June 7, 2024;
- Zoning By-law Amendment Application, prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated June 5, 2024;
- Official Plan Amendment and Zoning By-law Amendment Memo, prepared by Kevin M. Duguay Community Planning and Consulting Inc. dated June 5, 2024;

- Proposed Policy Exception, prepared by Kevin M. Duguay Community Planning and Consulting Inc.;
- Concept Site Plan, prepared by Eco Line Design Studies/Kevin M. Duguay Community Planning and Consulting Inc, dated March 9, 2024 (Updated - proposed dwelling);
- Archaeological Assessment Report, prepared by Northeastern Archaeological Associates Ltd., dated June 7, 2023;
- Hydrogeological Assessment, prepared by Cambium Inc, dated February 22, 2024;
- Functional Lot Grading Plan, prepared by Engage Engineering, dated January 18, 2024;
- Topographic and Legal Survey, prepared by C.T. Strongman Surveying Ltd., dated 2005;
- Site Area Photographs, prepared by Kevin M. Duguay Community Planning and Consulting Inc.;
- Site Plan Northwest of the Site (Faria Site Plan Rev 9) (Updated – Existing Dwelling), prepared by Two Stage Construction, dated June 1, 2017; and
- Sketch with Retained/Severed Lands comments (July 15, 2024), prepared by Kevin M. Duguay Community Planning and Consulting Inc.

Staff deemed the application 'complete' under the requirements of the Planning Act on November 25, 2024, and initiated Agency consultation on December 2, 2024, with a requested review period of the application submission package by December 16, 2024.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. The public has been notified of the applications through newspaper publication on December 26th, 2024.

The following comments were provided by agencies during the consultation period:

Planning – The proposed severance for the creation of the severed lot would not meet the specific lot standard policies for the Waterfront designation in the CKLOP. This should be further acknowledged in the Planning Report. If the policies cannot be met, please explain why this can be seen as undue hardship and why the amendment is therefore the best way forward and should be considered. An explanation should be provided about how the proposed lot area for the retained lot in the RG zone is appropriate given the lot area and the applicable regulations in the RG Zone.

A planning rationale to justify the proposed rezoning is required in the Report. The Zoning By-law Section should provide a review of the proposed development against the applicable zoning provisions and simply notes amendments are needed.

Development Engineering – Development Engineering Division reviewed the proposal and has no objections.

Building and Septic – The hydrogeological report has demonstrated that the severed parcel can achieve appropriate nitrate attenuation for residential development at the property boundary. Additionally, the report demonstrates available space for a private class 4 septic tank and leaching bed system. Further evaluation of the severed lot boundaries indicates a minimum of 500 square metres can be provided for private on-site sewage disposal. From this information, it would seem reasonable that the property could be serviced by private on-site sewage disposal. However, a site visit will be required for the consent process to confirm the requirements for servicing. As such, the Building and Septic Division has no issue with the proposed OPA and ZBA as it relates to private on-site sewage disposal.

Ministry of Transportation – reviewed the proposal and have no comments to offer this application.

Kawartha Conservation – The subject property is located within the City of Kawartha Lakes' Extended Planning area but does not appear to be within any natural hazard areas. There are no concerns with the approval of the OPA and ZBA application, and no further circulation or fees are required at this time.

On January 15, 2025, the applications were presented at a public meeting held by the Planning Advisory Committee through Report PLAN2025-002. The application was received for information purposes and items that needed to be addressed were pointed out by City staff. On January 22, 2025, the applicant provided a letter providing supplementary comments.

Conclusion:

The proposal represents good land use planning by facilitating the severance of a residential lot on a land designated as Waterfront in accordance with policies of the PPS, Kawartha Lakes Official Plan, and Township of Dalton Zoning By-law 10-77.

Staff respectfully recommends that the Official Plan Amendment respecting application D01-2024-008, substantially in the form attached as Appendix 'D' to Report PLAN2025-016, be approved and adopted by Council.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-023, substantially in the form attached as Appendix 'E' to Report PLAN2025-016, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Julio Sarti Caldeira at dillonplanning@kawarthalakes.ca

Attachments:

Appendix A – Location Map (see below)

Appendix B – Aerial Map (see below)

Appendix C – Concept Plan (see below)

Appendix D – Draft Official Plan Amendment & Schedule



Appendix D
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Appendix E – Draft Zoning By-law Amendment & Schedule



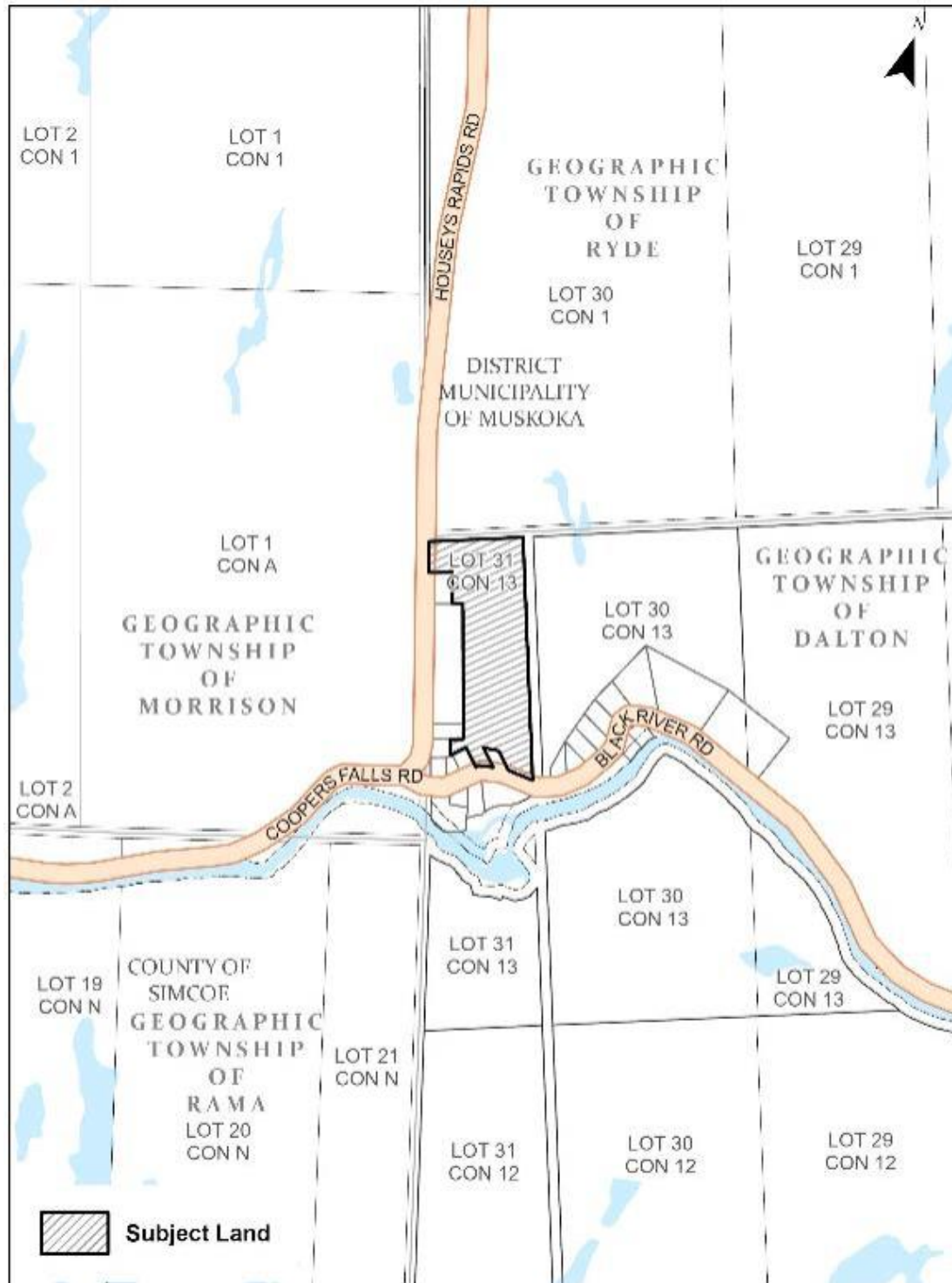
Appendix E
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Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department Files: D01-2024-008 and D06-2024-023

Appendix A – Location Map



Appendix B – Aerial Map



Appendix C – Concept Plan

