

Recommendations:

That the Planning Department-2022-08 report, dated September 6, 2022, regarding Zoning By-law Amendment – File: R-17-21 be received; and
That Council receive all comments related to Zoning By-law Amendment File: R-17-21 (Paterson and Carrington); and
That the By-law to enact the amendment be brought forward to a future Council meeting for consideration.

Overview:

On behalf of the property owners David Paterson and Kathryn Carrington, their Agent, Ron Davidson Land Use Planning Consultant Inc., has applied to remove the Holding symbol and amend the zoning of their property located at 4034 Centre Road/County Road 32, being Roll No. 1522-010-004-08100.

The property is an existing vacant lot of record and is currently zoned the Special District 190 - Holding Zone (S.D. 190-H). The effect of the proposed Zoning By-law Amendment is to remove the Holding symbol and to allow for a new special provision to permit an increase in the maximum lot coverage to allow for the construction of a dwelling and accessory structures.

A copy of the draft By-law is attached to this Report.

A pre-consultation was held on June 15, 2021 and the following documents and studies were identified in support of the rezoning application:

- An Application for Site Plan Approval and a Site Plan Agreement be entered into between the Owners and the Municipality;
- A Municipal Services Agreement be entered into between the Owners and the Municipality;
- An Environmental Impact Statement (EIS);
- A Restricted Land Use Notice under Section 59 of the Clean Water Act;
- An Archaeological Assessment; and
- A Planning Report/Analysis.

The rezoning and site plan approval applications were received in December 2021 and [Notice of Complete Application](#) was provided on January 19th, 2022. The 'complete' applications included the following documents:

- [A Site Plan prepared by M.J. Davenport & Associates Ltd., Drwg. No. 5883-02B, dated April, 2021;](#)
- [A Scoped Environmental Impact Study \(sEIS\) prepared by Oakridge Environmental Ltd. \(ORE\), dated October 2021;](#)
- Restricted Land Use Notices issued under Section 59 of the Clean Water Act (attached to this Report);

- A Stage 1 Archaeological Assessment including [a First Nation Engagement Component](#) prepared by York North Archaeological Services Inc. (YNAS), dated August 18, 2021; and
- [A Planning Report/Analysis prepared by Ron Davidson Land Use Planning Consultant Inc., dated December 13, 2021.](#)

In 2014, the Township entered into a Municipal Services Agreement with the previous owners of the Property, Terry and Ruth Hunter. The Agreement outlined the terms under which the driveway was to be constructed and the responsibility for any maintenance/liability. The Agreement was authorized through By-law No. 2014-17. The Agreement is binding upon the heirs, successors and assigns of the Property Owners (Section 14 of the Agreement) and therefore, it is not necessary for the current owners to enter into a separate Municipal Services Agreement.

A copy of By-law No. 2014-17 and the Agreement are attached to this Report.

Confirmation that the road/driveway, which is located on the Municipal road allowance, was constructed to the satisfaction of the Township and was provided to Ruth Hunter in correspondence dated January 12, 2015 via the refunding of the balance of the original deposit referred to in Section 12 of the Agreement.

Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):

The subject property is within 120 metres of the Otonabee River, a key hydrologic feature within the context of the Growth Plan. In accordance with Policies 2.1, 2.2 and 3.1 of the PPS and Section 4.2.4 of the Growth Plan, an Environmental Impact Study was required.

As noted above, a sEIS was prepared in support of the Application. The sEIS concluded that a building permit could be obtained, provided the recommended mitigation measures be included in the Site Plan and Planting Plan, and that a Mitigation Measures Agreement (or similar) be entered into between the Owners and the Township (S. 10.6).

In correspondence dated February 18, 2022, the Otonabee Region Conservation Authority (ORCA) reviewed the sEIS and indicated that the Application has demonstrated consistency with Policy 3.1 of the PPS relating to natural hazards. Further, the Application has demonstrated consistency with Policies 2.1 and 2.2 of the PPS relating to natural heritage and water and Sections 4.2.3 and 4.2.4 of the Growth Plan relating to key hydrologic features, key hydrologic areas and key natural heritage features and lands adjacent to key hydrologic features and key natural heritage features.

While the rezoning application has demonstrated consistency with the PPS and conformity to the Growth Plan, ORCA Staff outlined a number of comments specific to the Site Plan and Planting Plan. These comments, together with the sEIS recommendation that a Mitigation Measures Agreement (or similar) be entered into between the Owners and the Township will need to be addressed prior to Site Plan Approval.

A copy of ORCA's correspondence is attached to this Report.

The subject property was flagged for having archaeological potential due to the proximity (within 300 metres of a water source). As noted above, a Stage 1 Archaeological Assessment was prepared by YNAS in support of the Application. The Archaeological Assessment concluded that significant intensive disturbance over the entire property had occurred and the potential of finding archaeological resources has been completely removed (S. 4.0). As a result, no further archaeological assessment was required.

The archaeological assessment and recommendations have also been reviewed by Curve Lake First Nation (CLFN), and in correspondence dated August 23, 2021 to YNAS, CLFN agreed with the findings and that no further assessment was required. CLFN indicated they had no further concerns, questions or comments. A copy of the CLFN correspondence is attached to this Report.

Upon the circulation of the Notice of Public Meeting, CLFN did request an opportunity to undertake additional screening of some of the material still on-site in the hope of "salvaging" any cultural heritage materials that may still be in the pile. The CLFN request has been forwarded to the Owners to follow-up with CLFN directly should they wish to allow further screening of the on-site materials.

In correspondence dated October 2, 2021, the findings of the archaeological assessment were accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). A copy of the MHSTCI correspondence is attached to this Report.

In this regard, the Application has also demonstrated consistency with Policy 2.6 of the PPS as it relates to cultural heritage and archaeology.

Conformity to Official Plan:

The subject lands are designated Rural and subject to site specific policies contained in Section 6.2.2.11 (d)(vi) as identified on Schedule 'A4-1' to the Township Official Plan.

The site specific policies were developed through Official Plan Amendment No. 14 in order to permit the development of a permanent single detached dwelling on an undersized lot which fronts onto an unopened/unassumed Municipal road allowance.

Development of the property is subject to a Site Plan and Site Plan Agreement to the satisfaction of the Township (S. 6.2.2.11 (d)(vi)).

A draft Site Plan Agreement has been prepared and is attached to this Report. The Site Plan has been peer reviewed by the Township's peer review consultant, D.M. Wills. from both the Engineering and Planning disciplines. A total of three submissions were presented to D.M. Wills. The final submission included:

- Revised Application to Amend Zoning By-law 10-1996;
- Comment Response Letter, prepared by Ron Davidson, dated June 8, 2022;
- Site Plan prepared by M.J. Davenport & Associates Ltd., Drwg. No. 5883-02B, dated April, 2021 and Revised May 26, 2022;
- Erosion Control Plan, prepared by M.J. Davenport and Associates Ltd., Drwg. No. 5883-EC, dated April, 2021 and Revised May 26, 2022;
- Conceptual Landscape Site Plan, Drwg. No. CL-1, prepared by M.J. Davenport and Associates Ltd. and Michael E. McGuire, Landscape Architect, dated June 18, 2022

Copies of the above are attached to this Report.

In correspondence dated June 30, 2022, D.M. Wills identified that all previous comments relating to the Engineering peer review component have been addressed. A copy of the June 30, 2022 D.M. Wills correspondence is attached to this Report.

In correspondence dated July 4, 2022, D.M. Wills identified that all previous comments regarding the Planning peer review component have been addressed. A copy of the July 4, 2022 D.M. Wills correspondence is attached to this Report.

With the successful registration of the Site Plan Agreement, Application R-17-21 will comply with the Township Official Plan.

Comments:

- Enbridge Gas Inc.: No objections to the application.
- KPRDSB: No concerns or issues related to their mandate.
- Dean Bolton, 4030 County Road 32: Objection to the initial Site Plan. Request for additional information and to be notified of all meetings pertaining to the Applications.

Conclusion:

Concerns with the Application were raised by the Owners of 4030 County Road 32. The issues were identified as early as the public meeting for OPA No. 14 (October 15, 2013). Specifically, issues were identified as they relate to drainage from the subject property onto adjacent properties and the request for the installation of underground hydro from County Road 32 to the subject property.

The Revised Site Plan, prepared by M.J. Davenport and Associates Limited, dated May 26, 2022, indicates that proposed drainage shall not impact adjacent properties and shall be contained on site or controlled to a protected outlet (Notes 1 and 3). The Township peer review consultant, D.M. Wills, has provided acceptance of the Revised Site Plan.

With respect to the request for the installation of underground hydro, the May 26, 2022 Revised Site Plan did not include any information regarding this utility. Township Staff requested that the underground hydro be noted on the Site Plan and a revised Site Plan prepared by M.J. Davenport & Associates Ltd., Drwg. No. 5883-02B, dated April, 2021 and Revised August 30, 2022 noting this requirement was received and is attached to this Report. The Revised Site Plan also identifies the attached garage being Revision No. 2, dated 08/06/22.

At this time, Township Staff are recommending that the By-law to enact the amendment be brought forward to a future Council meeting for consideration. This will provide Staff time to ensure the Site Plan captures comments related to the installation of hydro; to address and incorporate the mitigation measures recommended by the sEIS; and to fulfill the Site Plan Agreement, which is necessary to remove the Holding (H) Symbol from the S.D. 190 Zone.

Financial Impact:

All costs related to the application for a Zoning By-law Amendment are the responsibility of the owner.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Staff Report regarding Zoning By-law Amendment R-17-21 - Paterson and Carrington.docx
Attachments:	<ul style="list-style-type: none">- R-17-21 - Draft By-law.pdf- PPLD-2019 and PPLD-2220 ORCA (February 18, 2022) -4034 Centre Road.pdf- Curve Lake Sign-off P156-0323-2021 Archaeological Assessment (August 23, 2021).pdf- ENTERED INTO REGISTER Archaeological Report for P156-0323-2021 (003).pdf- R-17-21 - Revised ZBA Application - Redacted.pdf- 1 June 8, 2022 letter.pdf- 3 Erosion Control Plan (R-17-21) (May 26, 2022).pdf- 6 Revised Landscape Plan (CL-1) (June 18, 2022).pdf- 4 Revised Site Plan (May 26, 2022).pdf- DM Wills - 88002 - 4034 Centre Road - 3rd Sub Engineering Review - June 30 2022.pdf- DM Wills -88002 - 4034 Centre Road - Third Planning Review - July 2022.pdf- 7 2021-D023-N2a (Source Water Zoning).pdf- 8 2021-D024-N2a (Source Water Site Plan).pdf- By-law No. 2014-17 (Constructed Roadway Agreement).pdf- Site Plan 5883-02B-August30-2022 (hydro notation).pdf- Carrington-Patterson - Draft Site Plan Agreement.pdf
Final Approval Date:	Aug 30, 2022

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs