

**Recommendation:**

That the Planning-2022-10 report, dated December 6, 2022, regarding Road Allowance Agreement – Paterson and Carrington be received and;  
That the By-law be approved allowing the Mayor and Acting Clerk to execute the Road Allowance Agreement.

**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 subject 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.

In order to remove the Holding Symbol from the S.D. 190 Zone the following conditions of Section 21.190.2.2 of By-law No. 10-1996, as amended must be met:

- a) A Level of Municipal Services and Access Agreement be entered into;
- b) A site plan be approved; and
- c) A site plan agreement be entered into, all to the satisfaction of the Township of Douro-Dummer.

A Public Meeting was held at the September 6, 2022 Regular Meeting of Council. A copy of the Planning Department 2022-08 Report from the Public Meeting is attached to this Report.

At the public meeting, concerns and objections were raised by Dean Bolton, 4030 County Road 32 and 4016 County Road 32, Allan Bolton 4014 County Road 32 and Brian Bolton 4026 County Road 32. The concerns raised related to flooding of their properties which are adjacent to the subject property.

Following the Public Meeting, a request for a site visit was made by Dean Bolton. Township Staff organized a site visit on September 28, 2022.

The parties agreed to some minor changes to the site plan one of which included the illustration of a drainage ditch extending along the existing roadside ditch on the Township Road Allowance directly into the Otonabee River.

On October 12, 2022 a revised site plan submission was received from the Applicant's Engineer. A copy of the revised site plan submission is attached to this Report.

The revised site plan was peer reviewed by ORCA and the Township Engineer, D.M. Wills who found the submission to be acceptable in correspondence dated October 28, 2022 and November 6, 2022 respectively. A copy of the ORCA and D.M. Wills correspondence is attached to this Report.

Given the extension of the drainage ditch within the Township Road Allowance and into the Otonabee River, Township Staff sought legal advice regarding Drainage Act issues, the future maintenance of the driveway, existing and proposed ditches and check dam and to ensure that the Constructed Roadway Agreement (Level of Municipal Services and Access Agreement) executed in 2014 (the 2014 Agreement) with the previous property owners was sufficient.

The Township's legal counsel, LLF Lawyers, reviewed all documents and noted that the 2014 Agreement was never registered on title. Further, an Agreement under the Drainage Act between two property owners must include specified information. As such, it was recommended that the 2014 Agreement be rescinded and replaced with a new Agreement. The new Road Allowance Agreement has been drafted by LLF Lawyers and includes most of the language of the 2014 Agreement and adds additional clauses to address the current requirements of the Township as well as requirements under the Drainage Act. The new Road Allowance Agreement is attached to this Report and a copy has been provided to the Owners.

### **Conclusion:**

In order to remove the Holding Symbol from the S.D. 190 Zone, the following conditions of Section 21.190.2.2 of By-law No. 10-1996, as amended must be met:

- a) A Level of Municipal Services and Access Agreement be entered into;
- b) A site plan be approved; and
- c) A site plan agreement be entered into, all to the satisfaction of the Township of Douro-Dummer.

With the execution of the new Constructed Roadway Agreement item a) above will be met. With respect to item b), the Site Plan has been approved to the satisfaction of Staff, the Township's Engineering Consultant and ORCA. Once the new Constructed Roadway Agreement is duly executed and registered on title, the Site Plan Agreement can be entered into via delegated authority to the CBO and Planner per By-law No. 2022-32.

Once the Site Plan Agreement has been entered into, Staff will bring a By-law forward to a future Council meeting to remove the Holding symbol and to amend the S.D. 190 Zone 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.

**Financial Impact:**

All costs related to Road Allowance Agreement, the construction and/or improvements to the driveway, ditching and check dam and the Site Plan Application such as peer review fees and legal costs are the responsibility of the applicant.

**Strategic Plan Applicability:**

To ensure that the public works department operates efficiently and effectively.

**Sustainability Plan Applicability:**

N/A

**Report Approval Details**

Document Title:	Staff Report Regarding Road Allowance Agreement - Paterson and Carrington.docx
Attachments:	<ul style="list-style-type: none"> <li>- M.J. Davenport Site Plan Submission (October 12, 2022).pdf</li> <li>- Amended_2nd Sub_R-17-21 _Site Plan_4034_Centre_Road_ORCA PPLD-2019 and PPLD-2220_28OCT2022.pdf</li> <li>- D.M. Wills 88002 - 4034 Centre Road - 5th Sub Engineering Review - Nov 6 2022.pdf</li> <li>- Road Allowance Agreement 2022 v.2.pdf</li> <li>- Draft By-law to Authorize Execution of an Agreement.pdf</li> </ul>
Final Approval Date:	Nov 30, 2022

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

Martina Chait-Hartwig

Elana Arthurs