

Recommendation:

That Report Planning-2022-07, dated December 20, 2022, regarding Staff Recommendation Regarding Zoning By-law Amendment - File: R-17-21 (Paterson & Carrington) be received; and
That the Holding (H) Symbol be removed from the subject property; and further
That the By-law to enact the Amendment be passed at the appropriate time in the meeting.

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.

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

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 list below identifies the individuals who were invited to the site visit and whether they were in attendance:

Name	Title	Attended
Alanna Boulton	Realty Officer, Parks Canada	No
Chris Proctor-Bennett	P. Eng, Engineering Consultant/Peer Reviewer for the Township of Douro-Dummer	Yes

Doug Saccoccia	P.Eng, Manager, Engineering & Design, County of Peterborough	No
Jake Condon	Manager of Public Works, Township of Douro- Dummer	Yes
Brian Fawcett	Chief Building Official, Township of Douro- Dummer	Yes
Christina Coulter	Planner, Township of Douro-Dummer	Yes
Don Allin	Manager, Plan Review and Permitting Services, Otonabee Region Conservation Authority	Yes
Murray Davenport	P.Eng, Engineer for the Applicants	Yes
Kathryn Carrington and David Paterson	Applicants	Yes
Dean & Serena Bolton	Neighbour/Objector, 4030 County Road 32 and 4016 County Road 32	Yes
Tina & Brian Bolton	Neighbour/Objector, 4026 County Road 32	Yes

In advance of the site visit, the concerns regarding flooding were summarized by the objectors as follows:

- “1) **Where is the revised and approved drainage site plan (2013) for the diverted culvert at the end of the road?** We can see from the letter that ORCA sent to Richard Taylor (lawyer for the Hunters) in June 2013 that ORCA were not in favour of the initial plan as it was showing a culvert going directly into the river. However, in the follow-up email correspondence from September 2013, ORCA states that it has not received any response or revised plan, a plan they would need to see in order to approve the building of the road. Perhaps the township has a copy now, but is that the **original one** approved by ORCA in 2013?
- 2) **Were trees removed, sand dumped (in the marshy area) and man-made culverts dug before ORCA approved a second plan?** We remain very surprised at the fact that ORCA would have approved a revised plan that would lead to such flooding and pooling on our properties. Their original letter states that there were a number of areas that were not to be disturbed.”

A written presentation of the drainage concerns was distributed by the objectors to all parties in attendance at the September 28, 2022 site visit.

To address the above noted concerns, the parties agreed to some minor changes to the site plan which have been summarized as follows:

- A drainage ditch be shown extending along the existing roadside ditch on the Township Road Allowance directly into the Otonabee River. The side slopes of the proposed ditch are 5:1 so a lawn tractor can cut the grass on the side slope or cross the ditch as required.
- A dock on the shore of the Otonabee River in the area of the proposed ditch will be relocated.
- The existing driveway culvert be relocated to the location of the proposed driveway.
- An existing culvert to the west of the subject property be removed and the ditch filled in.

Following the site visit, the objectors requested the following additional information:

- “1. Would it be possible for the township engineer to provide us with a layman's diagram of how the water will flow from all the properties once the changes are made?
2. Will there be a documented summary of our meeting?
3. How can we get a copy of our concerns package into the R-17-21 file?”

The revised site plan was received from the Applicant's Engineer on Friday September 30, 2022. In response to item 1. above, the Applicant's Engineer also provided the objectors with a copy of the revised site plan highlighting the direction of the proposed drainage via e-mail dated October 3, 2022.

In response to item 2. above, this report, being, Report Planning 2022-07 serves as a documented summary of the site visit.

In response to item 3. above, a copy of the objectors concerns package is attached to this Report.

The revised site plan was circulated to ORCA and the Township Engineer, D.M. Wills for peer review on Monday October 3, 2022. Both the Township Engineer and ORCA offered additional comments on the Site Plan.

Based on the peer review comments, a further revised site plan submission was received from the Applicant's Engineer on October 12, 2022. This submission included the following:

- M.J. Davenport & Associates Ltd. Cover Letter dated October 12, 2022;

- Site Plan prepared by M.J. Davenport & Associates Ltd., Drwg. No. 5883-02B, dated April, 2021 - Revision No. 4, October 6, 2022;
- Drainage Area Plan Drawing No. 5883-03 (October, 2022) including 100-year Ration Method and Open Channel Flow Calculation for Proposed Drainage Ditch; and
- Erosion Control Plan Drawing No. 5883-EC (Revision No. 2 dated October 6, 2022).

A copy of the revised site plan submission is attached to this Report. The revised submission was peer reviewed by ORCA and D.M. Wills.

In correspondence dated October 28, 2022 ORCA indicated that the application has demonstrated consistency with Sections 2.1, 2.2 and 3.1 of the PPS and consistency with Sections 4.2.3 and 4.2.4. of the Growth Plan. ORCA indicated that permits will be required prior to any site alteration, construction or demolition. A notice has been issued from the RMO with respect to the Revised Trent Source Water Protection Plan (SPP), prepared under the Clean Water Act. A copy of ORCA's comments are attached to this Report.

In correspondence dated November 6, 2022 D.M. Wills indicated that all previous comments regarding the proposed Site Plan, Grading and Erosion Control design have been addressed. A copy of D.M. Wills comments are attached to this Report.

Given the extension of the drainage ditch within the Township Road Allowance and into the Otonabee River, Council authorized By-law No. 2022-55 which rescinded a 2014 Level of Municipal Services Agreement with the previous owners of the subject property and entered into a new Road Allowance Agreement with the current Owners. The Road Allowance Agreement has been registered as PE391982 on December 9, 2022 in the Land Registry Office. A copy of the Registration and Agreement is attached to this Report.

Given that the revised site plan was found to be acceptable to both ORCA and the Township Engineer, the site plan agreement was signed by the Owners, Mayor and the Acting Clerk and Registered with the Land Registry Office. A copy of the Agreement shall be provided with this Report.

With the registration of the Road Allowance Agreement and Site Plan Agreement, all of the conditions for the removal of the Holding Symbol from the Special District 190 Zone (S.D. 190) have now been satisfied.

Therefore, only a decision regarding the proposed Zoning By-law Amendment 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 remains.

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.

A Scoped Environmental Impact Study (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).

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.

The subject property was flagged for having archaeological potential due to the proximity (within 300 metres of a water source). 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.

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).

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 polices 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)).

As mentioned previously, a Site Plan Agreement has been prepared [executed] and is attached to this Report. The Site Plan was peer reviewed and accepted by the Township's peer review consultant, D.M. Wills. from both the Engineering and Planning disciplines. The Site Plan was also reviewed and accepted by ORCA.

No building, structure, or other facility can be erected, altered, or placed on the subject lands except in accordance with Schedules 1 through 7 which are referenced in Section 3 of the Site Plan Agreement and on deposit with the Township.

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

Conclusion:

The Owners have revised the site plan to redirect the flow of water away from the neighbours and directly into the Otonabee River as was agreed upon by all parties at the September 28, 2022 site visit.

The Site Plan and Site Plan Agreement along with the Road Allowance Agreement have been registered on title and the requirements for the removal of the Holding Symbol have been met.

The proposed Zoning By-law Amendment appears to conform to the Official Plan, is consistent with the PPS and conforms to the Growth Plan.

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 Recommendation Report regarding ZBA R-17-21-Paterson and Carrington.docx
Attachments:	<ul style="list-style-type: none"> - R-17-21 - Draft By-law.pdf - Bolton Drainage Concerns Submission (September 28, 2022).pdf - M.J. Davenport Site Plan Submission (October 12, 2022).pdf - Amended_2nd Sub_R-17-21 _Site Plan_4034_Centre_Road_ORCA PPLD-2019 a.pdf - D.M. Wills 88002 - 4034 Centre Road - 5th Sub Engineering Review (November 6, 2022).pdf - Report Planning Department-2022-08 (September 6, 2022).pdf - PE391982.pdf - PE391982_Instrument_Statement_61.pdf
Final Approval Date:	Dec 14, 2022

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

Martina Chait-Hartwig

Elana Arthurs