



Sent via E-mail: dmorton@newmarket.ca

July 15, 2020

Municipal File No.: D13-A21-21
LSRCA File No.: VA-421707-051921

Mr. Devon Morton
Planner, Committee of Adjustment & Cultural Heritage
Town of Newmarket
Planning and Building Services
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

Dear Mr. Morton:

RE: Proposed Application for Minor Variance
Applicants: Eric Kimla & Jennifer Meadows
238 Frederick Curran Lane
Town of Newmarket, Regional Municipality of York

Thank you for circulating the captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Owner is proposing to construct a new covered porch on the subject property. The Owner has submitted an application for minor variance in relation to the proposal, and is requesting relief from Town of Newmarket Comprehensive Zoning By-law Number 2010-40, as amended, as follows:

- i. Relief from Section 6.2.2. Zone Standards to permit a minimum rear yard setback of 6.18 metres; whereas, the By-law requires a setback of 7.0 metres.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Notice of Complete Application for Minor Variance and Public Hearing, prepared by Town of Newmarket.

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our MOU with the Town of Newmarket and the Regional Municipality of York. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

We note that LSRCA planning staff have not been involved in a pre-consultation to the applicant/municipality dated in advance of the receipt of the application. However, LSRCA planning staff acknowledge that the applicant has obtained a LSRCA permit application (LSRCA Permit No. NP.2021.008) in relation to this proposal.

Recommendation

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend approval of this application with no conditions.

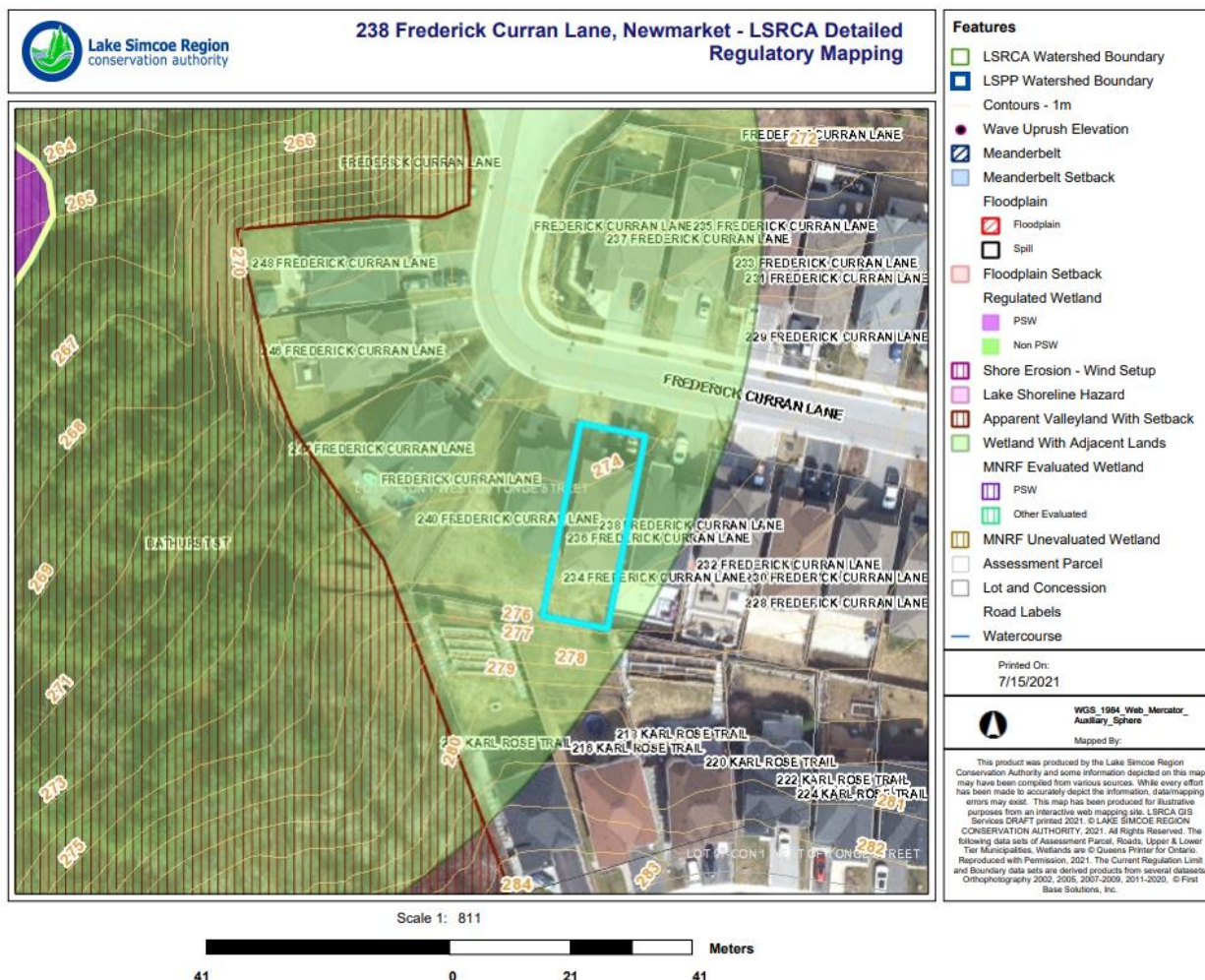
Site Characteristics

The subject property is approximately 0.04 hectare (0.09 acre) in size and is located south of Frederick Curran Lane and west of Art West Avenue within the Town of Newmarket. The property currently contains a single detached dwelling. The property is currently within a Residential Detached Dwelling 10.7m Exception Zone (R1-F1-80) and is located within a FP-NH – Regulatory Area and Other Natural Hazards Zone per Schedule “A”, Map No. 2 to Town of Newmarket Comprehensive Zoning By-law Number 2010-40, as amended. Per Schedule ‘A’ (Land Use) of the Town of Newmarket Official Plan, the property is with the Emerging Residential designation.

The lands are identified as being within the Recharge Management Area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan. The property is located within an Ecologically Significant Groundwater Recharge Area (ESGRA). Current environmental mapping indicates that the property is within the minimum vegetation protection zone of a key natural heritage feature (i.e. significant woodland) and within the minimum area of influence to a key hydrologic feature (i.e. provincially significant wetland). However, the proposed development (i.e. covered porch) is providing the required 30 metre minimum vegetation protection zone to the key natural heritage and key hydrologic features adjacent to this property. The property is located outside of the Oak Ridges Moraine Conservation Plan area and outside of the Greenbelt Plan area.

Existing mapping indicates that the subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 under Section 28 of the *Conservation Authorities Act* for the following natural hazards and/or natural heritage features:

- Lands adjacent to a Ministry of Natural Resources and Forestry (MNRF) Provincially Significant Wetland (Ansnorveldt Wetland Complex).



Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). The application has demonstrated consistency with Section 3.1 of the PPS.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 179/06 does apply to the subject site. A permit from the Lake Simcoe Region Conservation Authority will be required prior to development or site alteration occurring within the LSRCA regulated area. We note that a LSRCA permit (Permit No. NP.2021.008) has been obtained for the proposed works.

Advisory Comments

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Newmarket and Regional Municipality of York in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

The overall development of the site does not include the construction of an impervious area or a building with a ground floor area cumulatively equal to or greater than 500m² (5382 sq. ft.). It is noted that this scale of development does not meet the definition of “major development” per the Lake Simcoe Protection Plan (LSPP) or the York Region Official Plan.

Summary

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend approval of this application with no conditions.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated.
2. Ontario Regulation 179/06 does apply to the subject site. A permit from the Lake Simcoe Region Conservation Authority will be required prior to any development or site alteration taking place within the LSRCA regulated portion of the property. We note that a LSRCA permit (Permit No. NP.2021.008) has been obtained for the proposed works as part of this application for minor variance.
3. That the Owner has paid all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act*.

Should you have any questions concerning these comments, please contact the undersigned and reference the above file numbers in correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,



Laura Tafreshi
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)