

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2018-01**

**Wednesday, February 14, 2018**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Councillor Brian Junkin**

**Councillor Rob Macklem**

**Councillor Gord Miller**

**Councillor Patrick O'Reilly**

**Councillor Heather Stauble**

**Councillor Andrew Veale**

**Mike Barkwell**

**Debbie Girard**

Accessible formats and communication supports are available upon request.

1.	<b>CALL TO ORDER AND ADOPTION OF AGENDA</b>	
2.	<b>DECLARATIONS OF PECUNIARY INTEREST</b>	
3.	<b>PUBLIC MEETING</b>	
3.1	PLAN2018-006	6 - 17
	<p>David Harding, Planner II</p> <p>An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the majority of the property from Agricultural (A) Zone to an Agricultural Exception (A-*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lot 10, Concession 5, Geographic Township of Ops, City of Kawartha Lakes, identified as 1144 River Road (2264768 Ontario Limited)</p>	
3.2	PLAN2018-007	18 - 29
	<p>Janet Wong, Planner II</p> <p>An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use and on the wetlands from an Open Space (O1) Zone to only permit conservation uses and erosion control works; and, to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 3, Concession 13, Geographic Township of Manvers, City of Kawartha Lakes, identified as 136 Golf Course Road (2264768 Ontario Limited)</p>	
3.3	PLAN2018-008	30 - 41
	<p>David Harding, Planner II</p> <p>An application to amend the Township of Mariposa Zoning By-law 94-07 to change the zone category on the majority of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to prohibit residential use on the proposed retained agricultural land described as Part North Half of Lot 10, Concession 8, Geographic Township of Mariposa, City of Kawartha Lakes, identified as 594 Highway 7 (2264768 Ontario Limited)</p>	

3.4	PLAN2018-009	42 - 52
	<p>Janet Wong, Planner II</p> <p>An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 16, Concession 12, Geographic Township of Manvers, City of Kawartha Lakes, identified as 359 St. Mary's Road (2264768 Ontario Limited)</p>	
3.5	PLAN2018-010	53 - 63
	<p>Janet Wong, Planner II</p> <p>An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a Rural General (A1) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 11, Concession 10, Geographic Township of Manvers, City of Kawartha Lakes, identified as 63 Lifford Road (2264768 Ontario Limited)</p>	
3.6	PLAN2018-013	64 - 74
	<p>David Harding, Planner II</p> <p>An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to permit a woodworking shop and related sales uses on land described as Part of Lots 7 &amp; 8, Concession 13, Geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich)</p>	
3.7	PLAN2018-014	75 - 83
	<p>Sherry Rea, Development Planning Supervisor</p> <p>An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the agricultural portion of the property from an Agricultural (A) Zone to an Agricultural Exception Nine (A-9) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 14, Concession 10, Geographic Township of Ops, City of Kawartha Lakes and identified as 771 Lilac Road (Popovic)</p>	
4.	<b>BUSINESS ARISING FROM PUBLIC MEETING</b>	
5.	<b>DEPUTATIONS</b>	
6.	<b>CORRESPONDENCE</b>	

## 7. CITY OF KAWARTHA LAKES REPORTS

- 7.1 PLAN2018-001 84 - 167
- Sherry Rea, Development Planning Supervisor  
Christina Sisson, Supervisor, Development Engineering  
Request by Romspen Investment Corporation to enter into a Subdivision Agreement for Phase 1 of Plan of Subdivision 16T-06505, being Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, now City of Kawartha Lakes, Arizona Heights (Lakes Terminal and Warehousing Ltd.)
- 7.2 PLAN2018-002 168 - 178
- Sherry Rea, Development Planning Supervisor  
Application for a Condominium Description Exemption for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street and identified as 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes (Pyjama Factory Inc.)
- 7.3 PLAN2018-011 179 - 195
- Mark LaHay, Planner II  
Zoning By-law Amendment Application to the Town of Lindsay and Township of Ops Zoning By-law to change the zoning from the Residential Two Special Sixteen (R2-S16) Zone to Residential Two Special Thirty-Five (R2-S35) Zone and to amend the Residential Exception Three (R-3) Zone for lands municipally known as 85, 87, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 & 106 Cook Street, Lindsay/Township of Ops (Greg De Freitas on behalf of multiple landowners – Cook Street)
- 7.4 PLAN2018-012 196 - 209
- Chris Marshall, Director of Development Services  
Planning Approvals Task Force Recommendations Update



Mark LaHay, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 to replace the Environmental Protection (EP) Zone across the shoreline of the subject properties with the Rural Residential Type One Exception Four (RR1-4) Zone existing on the balance of 37 Wispi Shore Road and the Rural Residential Type One Exception Five (RR1-5) Zone existing on the balance of 45, 57 & 61 Wispi Shore Road on property legally described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, Geographic Township of Emily, City of Kawartha Lakes (CAMERON, OSMOND, GRATZ, DEVERS & ASHMEADE)

Ian Walker, Planning Officer - Large Developments

An application to amend the Village of Bobcaygeon Zoning By-law to add a microbrewery as a permitted use and amend the development standards for the property identified as 30 King Street East, Bobcaygeon (Nichol)

8. **ADJOURNMENT**

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-006**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 12 - Ops

**Subject:** An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the majority of the property from Agricultural (A) Zone to an Agricultural Exception (A-\*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lot 10, Concession 5, geographic Township of Ops, City of Kawartha Lakes, identified as 1144 River Road (2264768 Ontario Limited) – Planning File D06-2018-001.

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-006, respecting Part of Lot 10, Concession 5, geographic Township of Ops, and identified as 1144 River Road, “2264768 Ontario Limited – Application D06-2018-001”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-001, substantially in the form attached as Appendix “D” to Report PLAN2018-006, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On January 15, 2018, the Director of Development Services granted provisional consent to amended Application D03-17-021 to sever an approximately 0.99 hectare (2.4 acre) residential lot containing a single detached dwelling, and retain approximately 39.1 hectares (96.6 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use.

Owner:	Heather Richardson & Bernhard Höfelmayr, 2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 10, Concession 5, geographic Township of Ops
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A) Zone", Township of Ops Zoning By-law 93-30, as amended
Site Size:	Severed – 0.99 hectares Retained – 39.1 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural East: Agricultural South: Agricultural West: Agricultural, Rural Residential

## Rationale:

The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel at 515 Lifford Road. The single detached dwelling on the southeast corner of the land is deemed surplus to the needs of the farm operation.

The applicant submitted a Planning Justification Brief prepared by Margaret Walton of Planscape Inc., dated June 27, 2017 in support of the application. This document discusses the appropriateness of the proposed consent.

Staff has reviewed the Planning Brief and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

Therefore, this application conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

## **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). The “Environmental Protection” designation is confined to and the area surrounding a watercourse. No change is proposed to the area within the “Environmental Protection” designation. Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an

existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned “Agricultural (A) Zone” in the Township of Ops Zoning By-Law 93-30. The lot to be retained exceeds the minimum lot frontage (135 metres) and area (37 hectares) requirements of the A Zone by proposing about 290.97 metres and 39.1 hectares respectively. The frame shed to the south of the proposed severed residential lot will comply with the side yard setback provisions of the A Zone. The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the portion of the lands to be retained from “A” to “Agricultural Exception Nine (A-9) Zone” to prohibit residential use.

The A Zone category provides that residential lots created within the said zone are subject to the requirements of the “Rural Residential (RR) Zone” category. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.2 hectare) requirements by proposing about 83.13 metres and 0.99 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

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

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

## **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division - Part 8 Sewage Systems, Engineering and Corporate Assets Department, and the Chippewas of Rama First Nation raised no concerns as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed zoning By-law Amendment contained in Appendix “D” will ensure the subject land is preserved for agricultural use. All other A Zone provisions will be maintained.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the “Prime Agricultural” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 2, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

Appendix ‘A’ – Location Map



Appendix A to  
PLAN2018-006.pdf

Appendix ‘B’ – Sketch for Consent Application – dated November 2, 2017



Appendix B to  
PLAN2018-006.pdf

Appendix ‘C’ – Aerial Photograph



Appendix C to  
PLAN2018-006.pdf

## Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-006.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

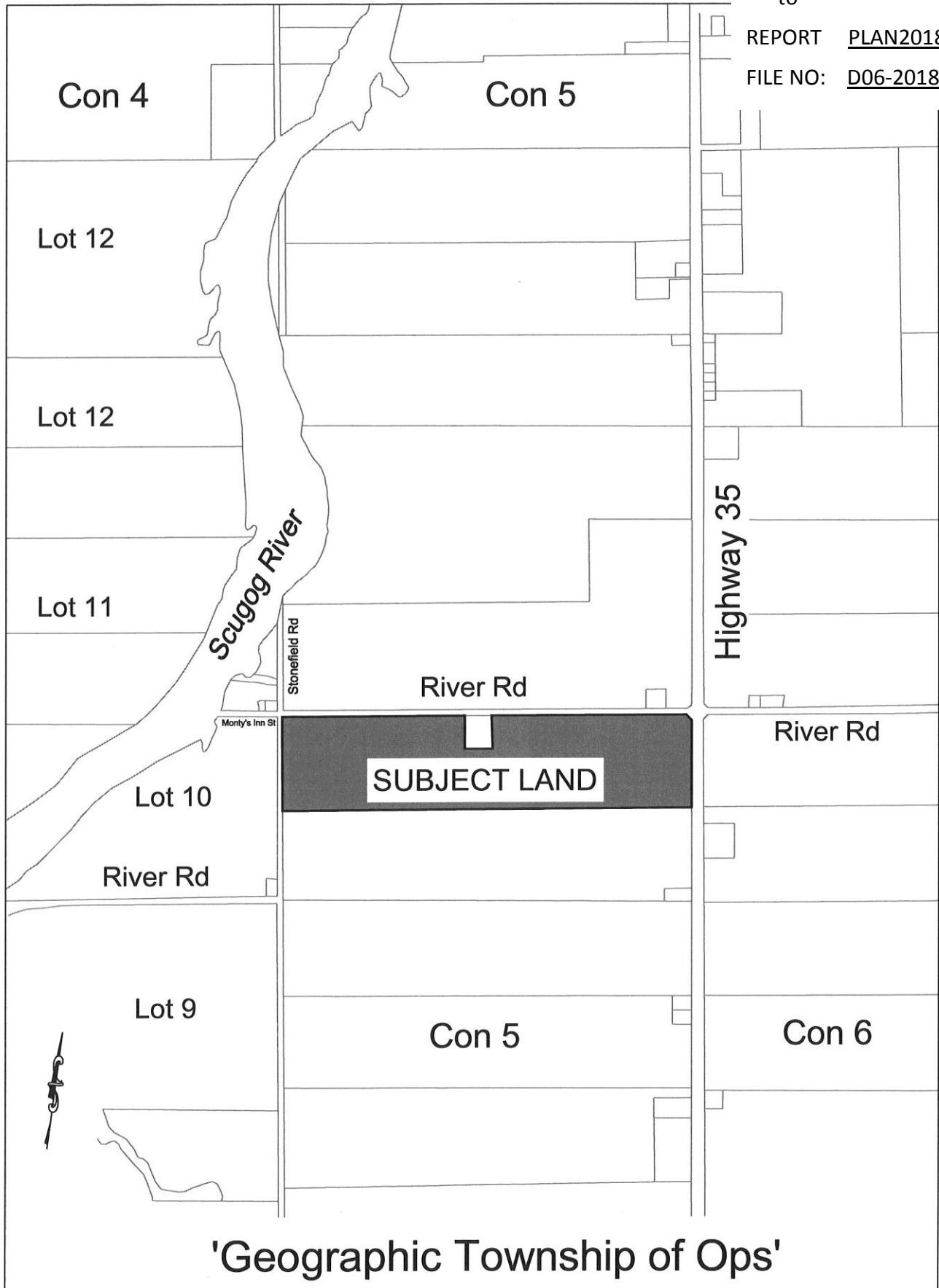
**Department File:** D06-2018-001



to

REPORT PLAN2018-006

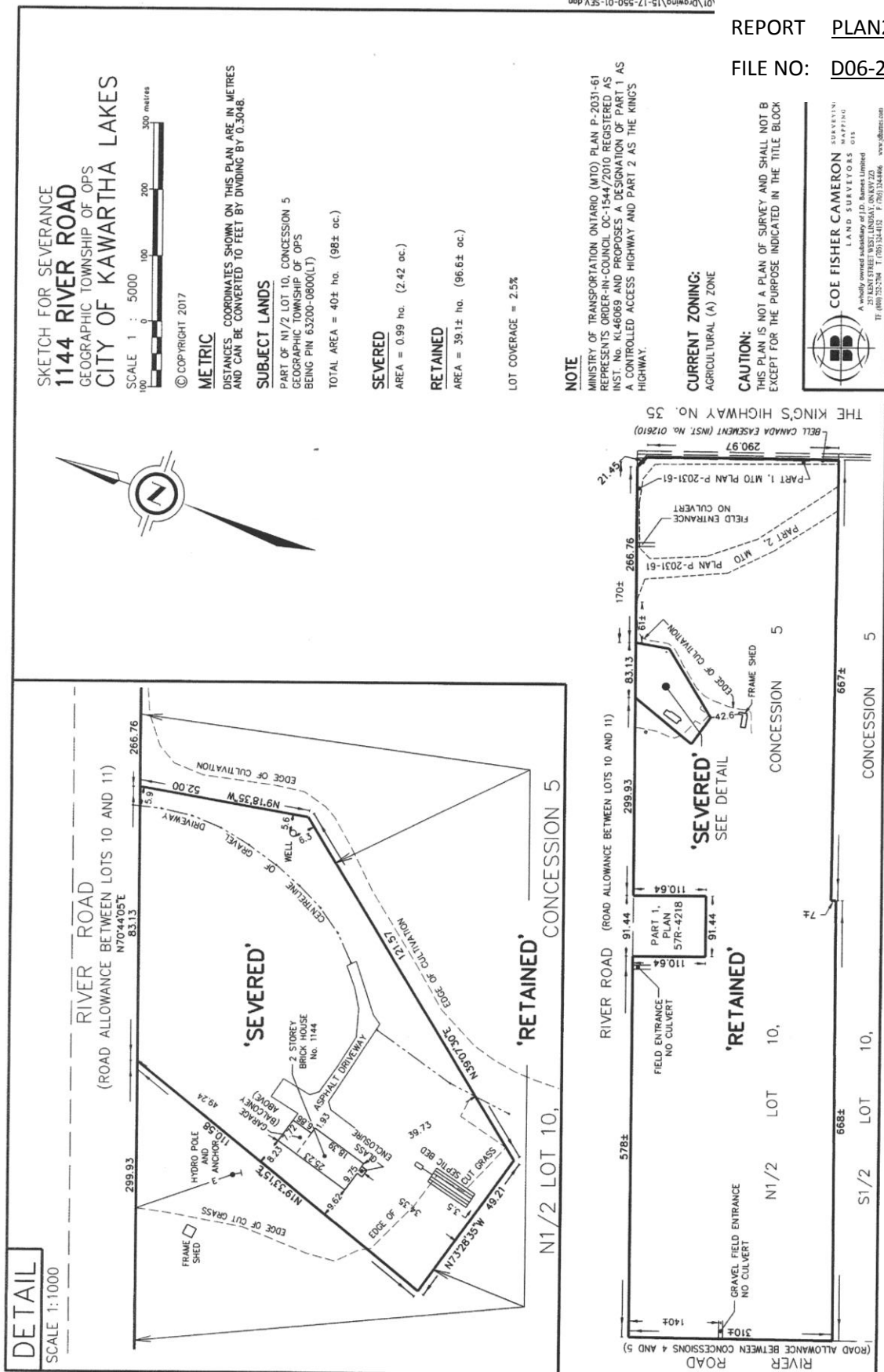
FILE NO: D06-2018-001



to

REPORT PLAN2018-006

FILE NO: D06-2018-001





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Kilometers  
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© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES.

APPENDIX " C "

to

REPORT PLAN2018-006

FILE NO: D06-2018-001

## The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2018-006

## By-Law 2018 -

FILE NO: D06-2018-001

**A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30  
To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-001, Report PLAN2018-006, respecting Part Lot 10, Concession 5, geographic Township of Ops, identified as 1144 River Road – 2264768 ONTARIO LIMITED]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 5, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule ‘A’ to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the Property from “Agricultural (A) Zone” to “Agricultural Exception Nine (A-9) Zone” for the land referred to as ‘A-9’, as shown on Schedule ‘A’ attached to this By-law.

**Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\* , 2018.

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 Andy Letham, Mayor

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 Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

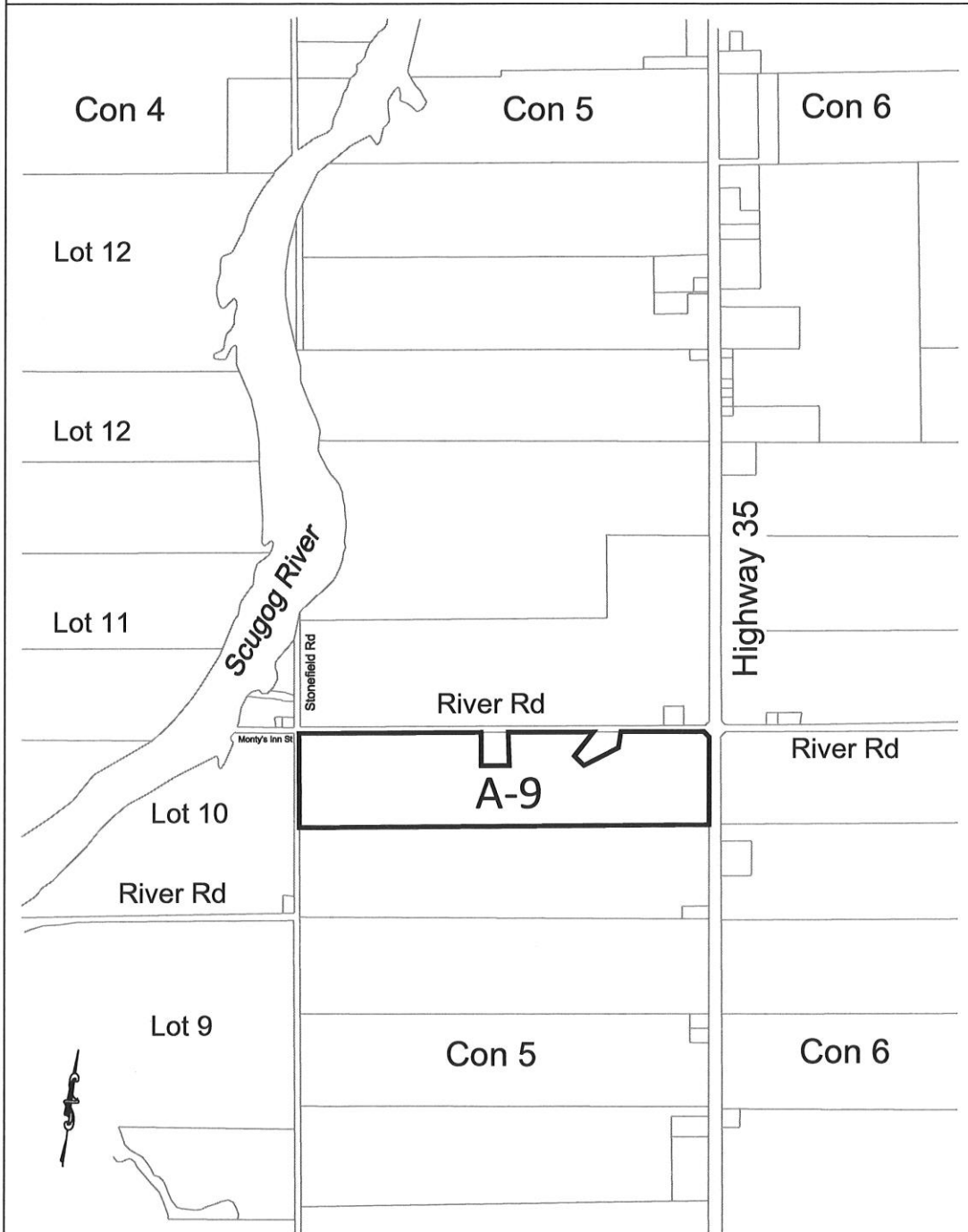
## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



'Geographic Township of Ops'

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-007**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 16 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a “Rural General (A1) Zone” to prohibit residential use and on the wetlands from an “Open Space (O1) Zone” to only permit conservation uses and erosion control works; and, to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 3, Concession 13, geographic Township of Manvers, City of Kawartha Lakes, identified as 136 Golf Course Road (2264768 Ontario Limited) – Planning File D06-2018-002).

**Author and Title:** Janet Wong, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-007, respecting Part of Lot 3, Concession 13, geographic Township of Manvers, and identified as 136 Golf Course Road; Application No. D06-2018-002, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-002, substantially in the form attached as Appendix “D” to Report PLAN2018-007, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On December 19, 2017, provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-17-022 to sever an approximately 0.4 ha. residential lot containing a single detached dwelling and retain approximately 40.5 ha. of agricultural land and Provincially Significant wetland. The retained land will be consolidated with non-abutting agricultural land.

As a condition of provisional consent the land to be retained is to be rezoned to:

1. prohibit residential use on the agricultural lands;
2. only permit conservation uses and flood and erosion works within the wetland;
3. to have the retained lands be considered one lot for lot area requirements where there are two zones; and
4. the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law.

Owner:	2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 3, Concession 13, geographic Township of Manvers
Designation:	"Rural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Rural General (A1) Zone" and "Open Space (O1) Zone" on Schedule 'A' of the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 41 ha.(approximate) – Coe Fisher Cameron Severed – 0.42 ha., Retained – 40.5 ha.
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North: Agricultural, Wetland and Wolf Run Golf Course East, South and West: Agricultural and Wetland

## Rationale:

The property is located on the south side of Golf Course Road (refer to Appendix "A"). The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. East Cross Creek No. 15 Provincially Significant Wetland is

associated with East Cross Creek which forms part of the east boundary of the subject lands. Wolf Run Golf Course is located north-west of the subject lands. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of consent approval.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This application will maintain the subject lands for agricultural uses unfettered by additional rural residential uses.

### **Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Section 2.1.4 states that development and site alteration shall not be permitted in Provincially Significant wetlands and Section 3.1 directs development to areas outside the flood plain or wetland.

The application to rezone the proposed agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain agricultural uses.

The rezoning of East Creek Provincially Significant wetland will provide for the long term protection of this natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are required to be in the flood plain.

Therefore, this application is consistent with the PPS.

## **Official Plan Conformity:**

The subject land is designated "Rural" and "Environmental Protection" in the City of Kawartha Lakes Official Plan (Official Plan). Section 16.1 of the Official Plan provides that agricultural land that is primarily class 4-7 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the



acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as being required for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

The “Environmental Protection” and Natural Heritage policies of the Official Plan seek to protect natural heritage features by preventing development or site alteration that may degrade the environment or be adversely affected by flooding. The proposed amendment will restrict uses to conservation uses as well as flood and erosion control works within the Emily Cross Creek No. 15 Provincially Significant Wetland in order to protect this natural feature and functions.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The land is zoned “Rural General (A1) Zone” and “Open Space (O1) Zone” in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits residential use. The Zoning By-law amendment would prohibit the residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

The O1 Zone permits golf courses, parks, and agricultural uses which would be detrimental to the wetland feature and its natural functions. The O1 Zone does not permit buildings or structures except for erosion or flood control purposes. The proposed amendment would restrict uses to those which will be compatible with the long term protection of the wetland. The Definition Section in the Zoning By-law does not include a definition of ‘conservation uses’, however a definition has been included in “O1-S3 Zone”. The proposed amendment carries forward this definition of conservation uses.

The General Provisions Section 20.16 has requirements where there are multiple zones on a lot. When a lot is created by consent the retained lot must comply with the minimum lot area and lot frontage of the applicable zones. The O1 Zone does not have lot area or lot frontage requirements. The retained lot will comply with the A1 minimum lot frontage requirement of 183 m. The property was created after the current Zoning By-law, thus is required to meet the A1 lot area minimum requirement. The retained lot will have about 22 ha. of agricultural lands, which does not meet the minimum 38 ha. lot area requirement for the A1 Zone. The retained lot as a whole will exceed the minimum lot area requirement. The proposed amendment would allow the two zones to be considered as one lot and the minimum lot area requirements of the A1 Zone would apply to the lot as a whole. For clarity, the proposed amendment should specify that the zone boundary shall be considered to be a lot line for the purposes of applying all

other requirements of the Zoning By-law. This will ensure that there are adequate setbacks from the wetland for development.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment. It also will maintain the health and integrity of the wetland and floodplain.

### **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

### **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

### **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division-Building Inspection, Building Division-Sewage System Inspection, Development Engineering, and Chippewas of Rama First Nation raised no issues as a result of circulation. No comments were received from the public.

## Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix “D” will ensure the subject land is preserved for agricultural use and will implement Provincial and City policies.

## Conclusion:

The application conforms to the provincial policies concerning rural lands and natural heritage. The application also conforms to the “Rural” and “Environmental Protection” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

Appendix ‘A’ – Location Map



Appendix A.pdf

Appendix ‘B’ – Orthoimage



Appendix B.pdf

Appendix ‘C’ – Applicant Sketch – received July 4, 2017



Appendix C.pdf

Appendix ‘D’ – Draft Zoning By-law Amendment



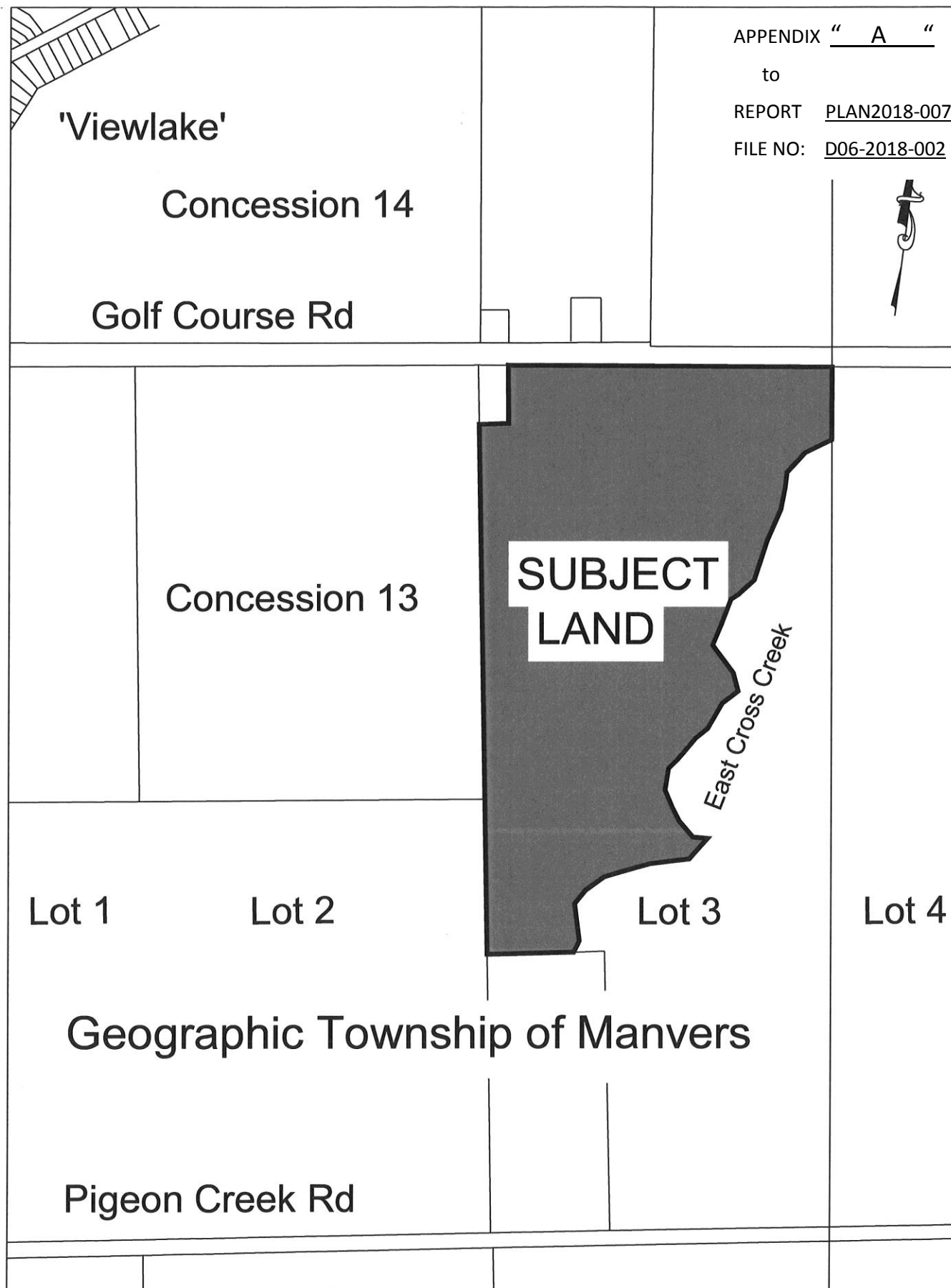
Appendix D.pdf

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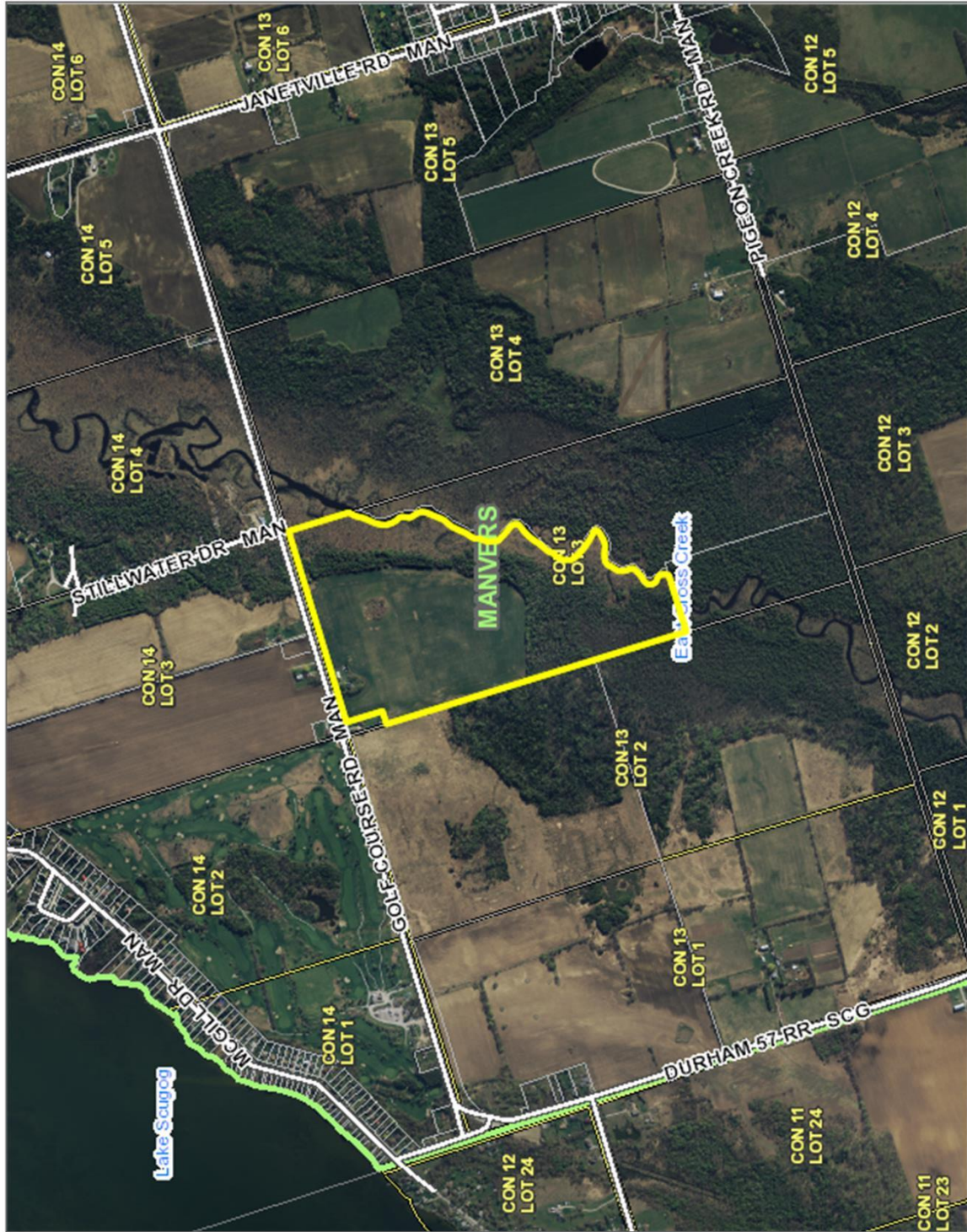
**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D06-16-034



# 136 Golf Course Road, geographic Twp Manvers



1.14

Kilometers  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

- Legend**
-  Road Centreline
  -  Geographic Townships
  -  Lower Tier Municipalities
  -  Populated Places
  -  Water Labels
  -  Property ROLL#
  -  Lots and Concessions

**Notes**

Notes

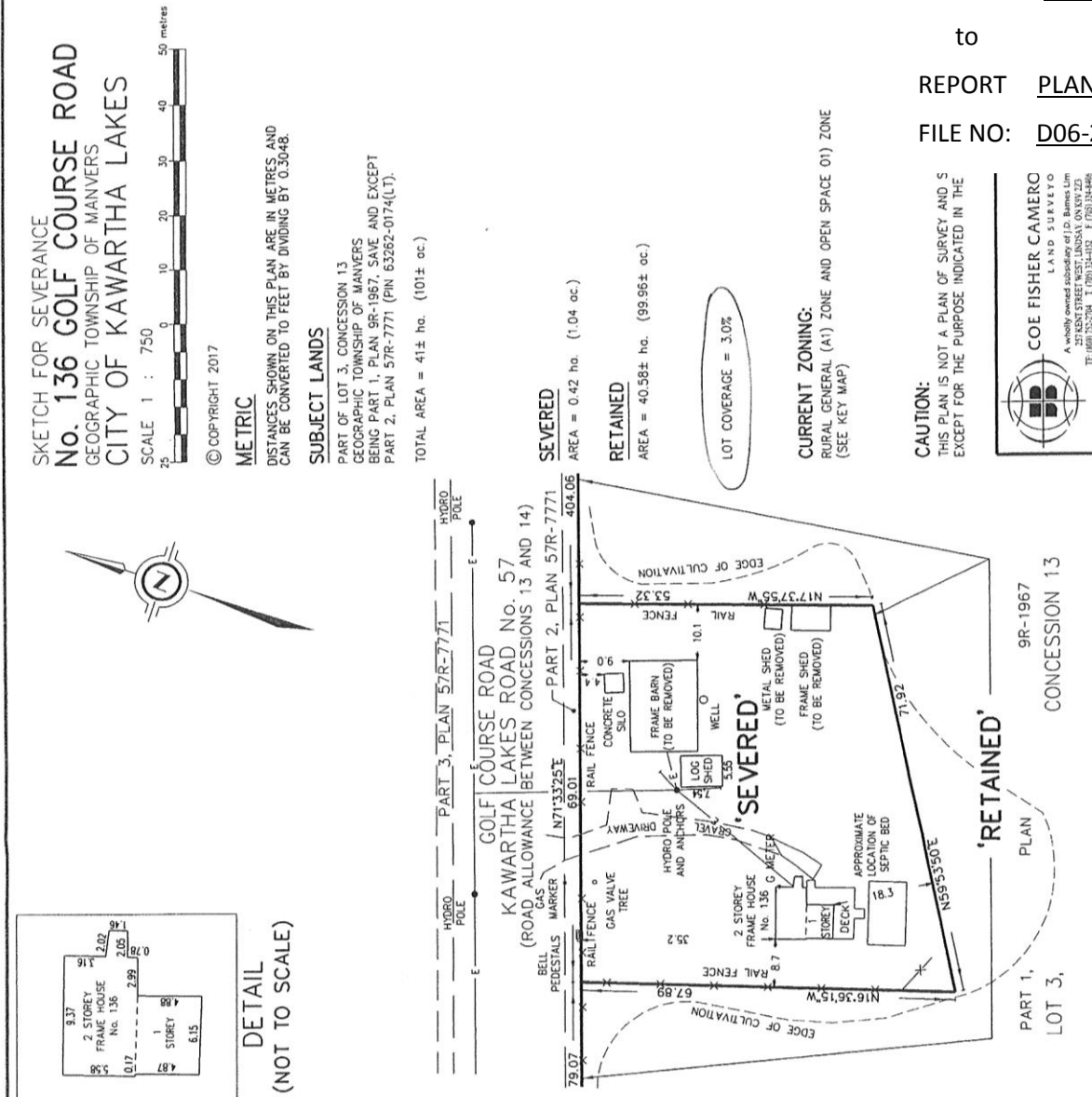
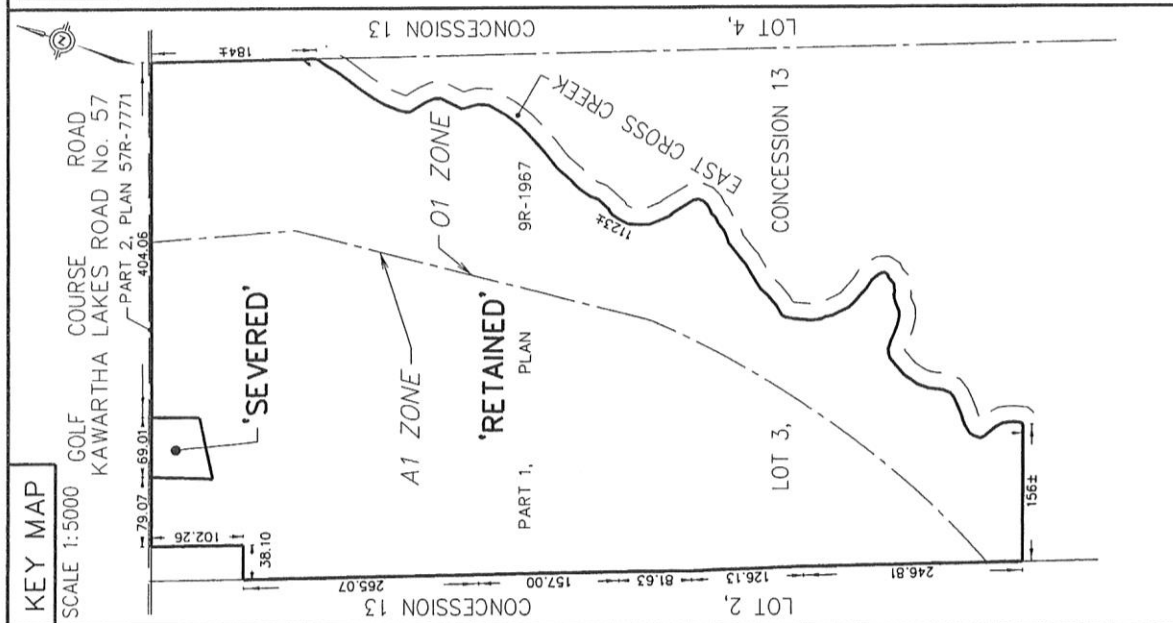
APPENDIX " B "  
 to  
 REPORT PLAN2018-007  
 FILE NO: D06-2018-002



to

REPORT PLAN2018-007

FILE NO: D06-2018-002



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018 -**

### **A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

APPENDIX “ D ”

to

REPORT PLAN2018-007

FILE NO: D06-2018-002

[File D06-2018-002, Report PLAN2018-007, respecting Part Lot 3, Concession 13 former Township of Manvers, identified as 136 Golf Course Road – 2264768 Ontario Limited]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to change the zone category from “Rural General (A1) Zone” to “Rural General Special 36 (A1-S36) Zone”; “Open Space (O1) Zone” to “Open Space Special 5 (O1-S5) Zone”; for the “A1-S36 Zone” and “O1-S5 Zone” to be considered as one (1) lot for lot area; and the zone boundary to be considered a lot line for the purposes of the Zoning By-law on the proposed retained portion of the property resulting from a consent to sever.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 3, Concession 13, former Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

“jj. Notwithstanding subsection 10.1, a dwelling and accessory uses thereto are not permitted uses on lands zoned A1-S36.”
- 1.03 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 9.3:

“e. Notwithstanding subsection 9.1, land zoned as O1-S5 shall only be used for conservation uses and flood and erosion control works. For the purposes of the O1-S5 Zone a Conservation Use means a use which preserves, protects or improves any feature of the natural environment through a program of maintenance and management administered by a Conservation Authority, public authority, private group or individual.”
- 1.04 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 20.16:

“f. Where the A1-S36 and O1-S5 appear together on any schedule to the By-law and share a common boundary, then the combined area of the A1-S36 and O1-S5 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”
- 1.05 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to “Rural General Special 36 (A1-S36) Zone” and from the

"Open Space (O1) Zone" to "Open Space Special 5 (O1-S5) Zone", as shown on Schedule 'A' attached to this By-law.

**Section 2:00      Effective Date**

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk



THE CORPORATION OF THE CITY OF

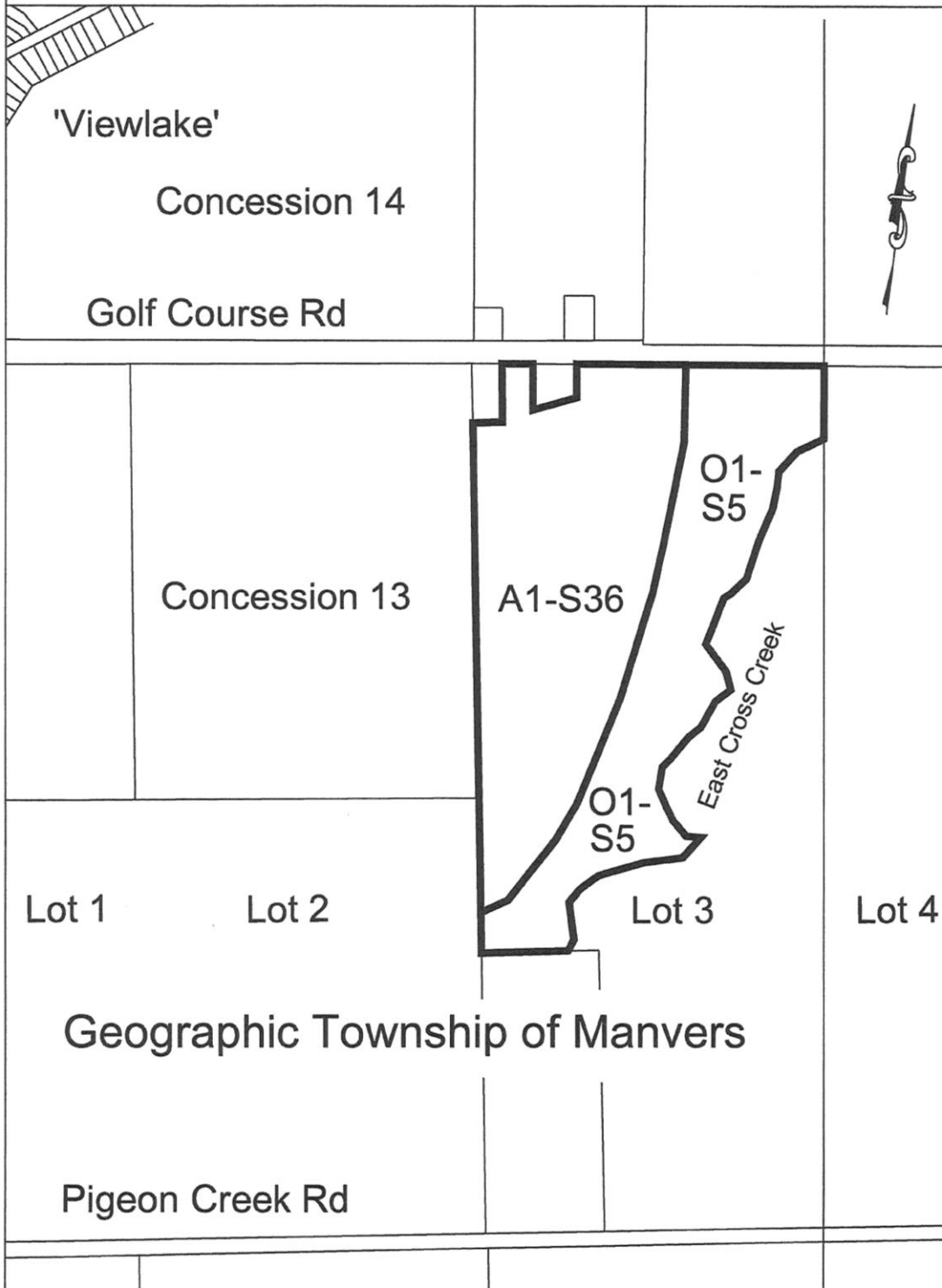
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-008**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 8 - Mariposa

**Subject:** An application to amend the Township of Mariposa Zoning By-law 94-07 to change the zone category on the majority of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-\*) Zone to prohibit residential use on the proposed retained agricultural land described as Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, City of Kawartha Lakes, identified as 594 Highway 7 (2264768 Ontario Limited) – Planning File D06-2018-003

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-008, respecting Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, and identified as 594 Highway 7, “2264768 Ontario Limited – Application D06-2018-003”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-003, substantially in the form attached as Appendix “D” to Report PLAN2018-008, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On January 17, 2018, staff issued a notice of staff recommendation which recommended provisional consent for amended Application D03-17-023 to sever an approximately 0.57 hectare (1.4 acre) residential lot containing a single detached dwelling and two residential accessory buildings, and retain approximately 39.2 hectares (96.9 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

As a proposed condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use.

Owner:	Heather Richardson & Bernhard Höfelmayr, 2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part North Half of Lot 10, Concession 8, geographic Township of Mariposa
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection Exception Four (EP-4) Zone", Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Severed – 0.57 hectares Retained – 39.2 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Wetland, Commercial, Rural Residential East: Agricultural, Rural Residential, Wetland South: Agricultural, Wetland West: Agricultural, Wetland

## Rationale:

The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. Wetlands are also present. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with another non-

abutting agricultural parcel at 515 Lifford Road. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

The applicant submitted a Planning Justification Brief prepared by Margaret Walton of Planscape Inc., dated June 27, 2017 in support of the application. This document discusses the appropriateness of the proposed consent.

Staff has reviewed the Planning Brief and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

Therefore, this application conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone a portion of the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

## **Official Plan Conformity:**

The subject land is designated "Prime Agricultural" and "Environmental Protection" in the City of Kawartha Lakes Official Plan (Official Plan). The "Environmental Protection" designation is confined to the areas surrounding two watercourses to the south and upon a provincially significant wetland to the northwest. No change is proposed to the areas with the "Environmental Protection" designation. Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned “Agricultural (A1) Zone” and “Environmental Protection Exception Four (EP-4) Zone” in the Township of Mariposa Zoning By-Law 94-07. The lot to be retained exceeds the minimum lot frontage (230 metres) and area (38 hectares) requirements of the A1 Zone by proposing about 489.2 metres and 39 hectares respectively. The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the portion of the lands to be retained from “A1” to “Agricultural Exception Thirty Two (A1-32) Zone” to prohibit residential use. The lands with the EP-4 Zone category will be unaffected.

The residential lot to be created will be within the A1 Zone. The A1 Zone category provides that residential lots created within said zone are subject to the requirements of the “Rural Residential Type One (RR1) Zone” category. The lot to be severed meets the minimum lot frontage (38 metres) and exceeds the area (2,800 square metre) requirements by proposing about 38 metres and 5,664 square metres respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

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

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

### **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division - Part 8 Sewage Systems, Engineering and Corporate Assets Department, and Chippewas of Rama First Nation raised no concerns as a result of circulation. No comments were received from the public.

### **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed zoning By-law Amendment contained in Appendix “D” will ensure the subject land is preserved for agricultural use. All other A1 Zone provisions will be maintained.

### **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the “Prime Agricultural” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 2, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix 'A' – Location Map



Appendix A to  
PLAN2018-008.pdf

### Appendix 'B' – Sketch for Consent Application – dated November 2, 2017



Appendix B to  
PLAN2018-008.pdf

### Appendix 'C' – Aerial Photograph



Appendix C to  
PLAN2018-008.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-008.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

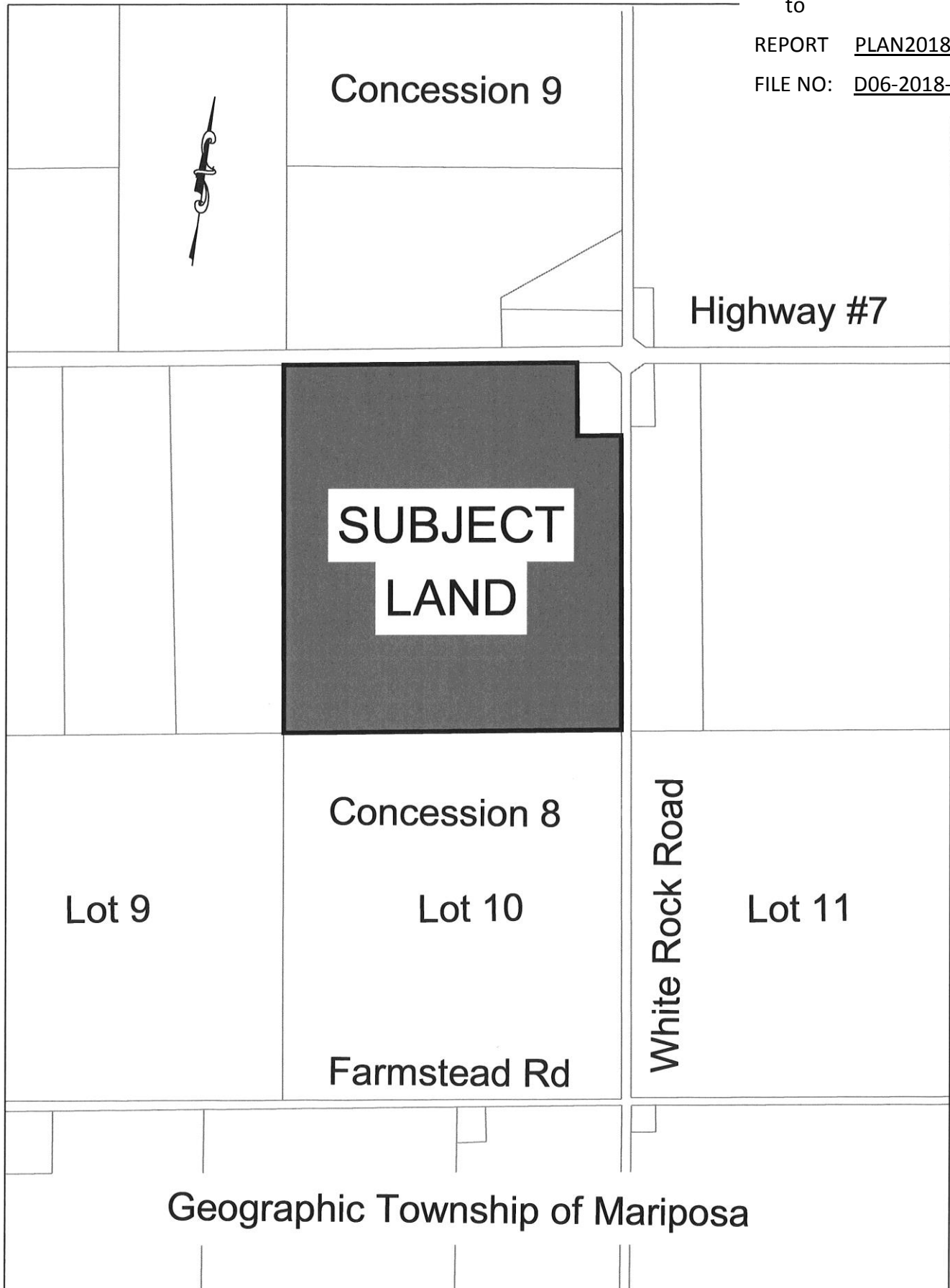
**Department Head:** Chris Marshall

**Department File:** D06-2018-003

to

REPORT PLAN2018-008

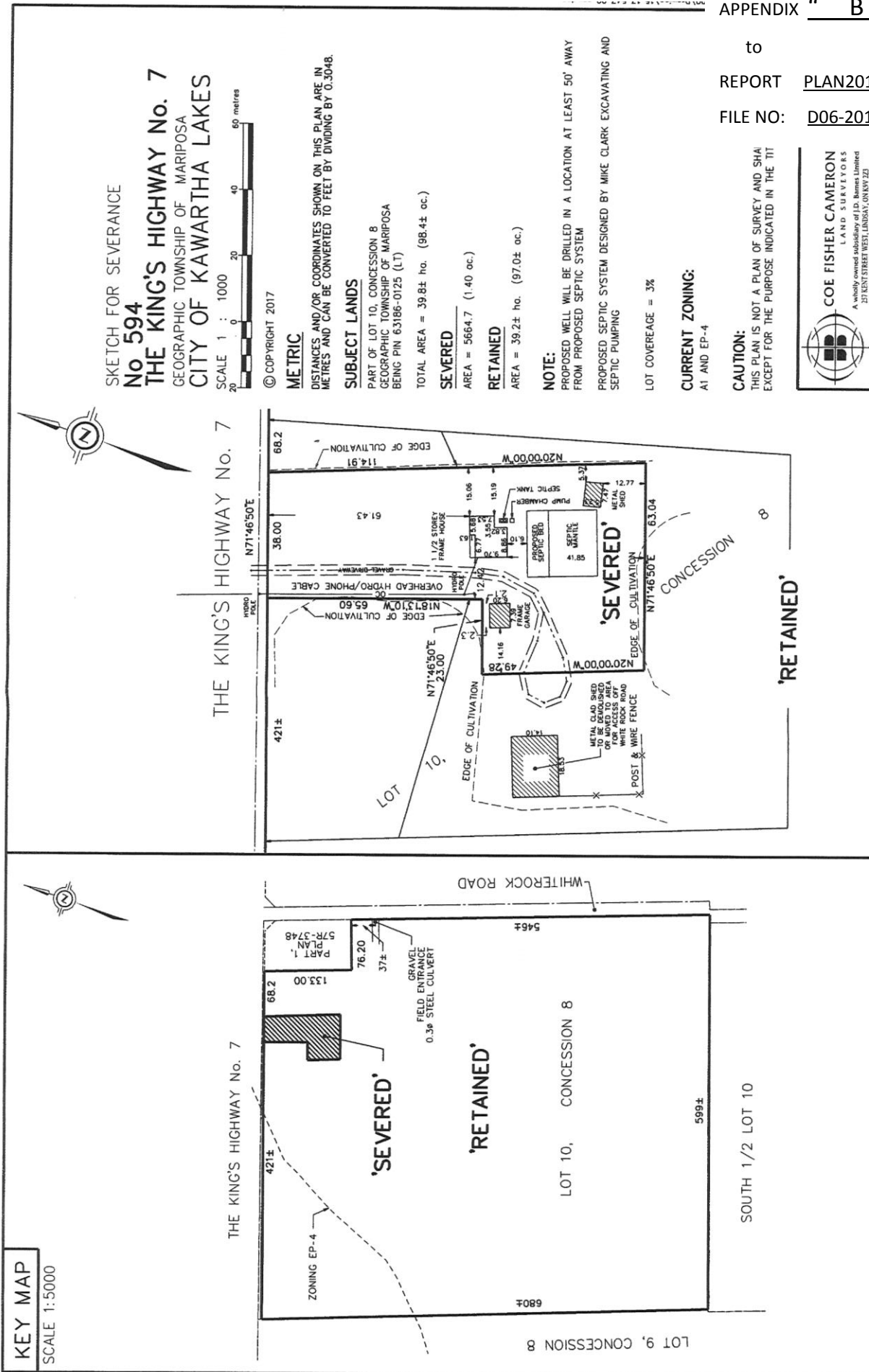
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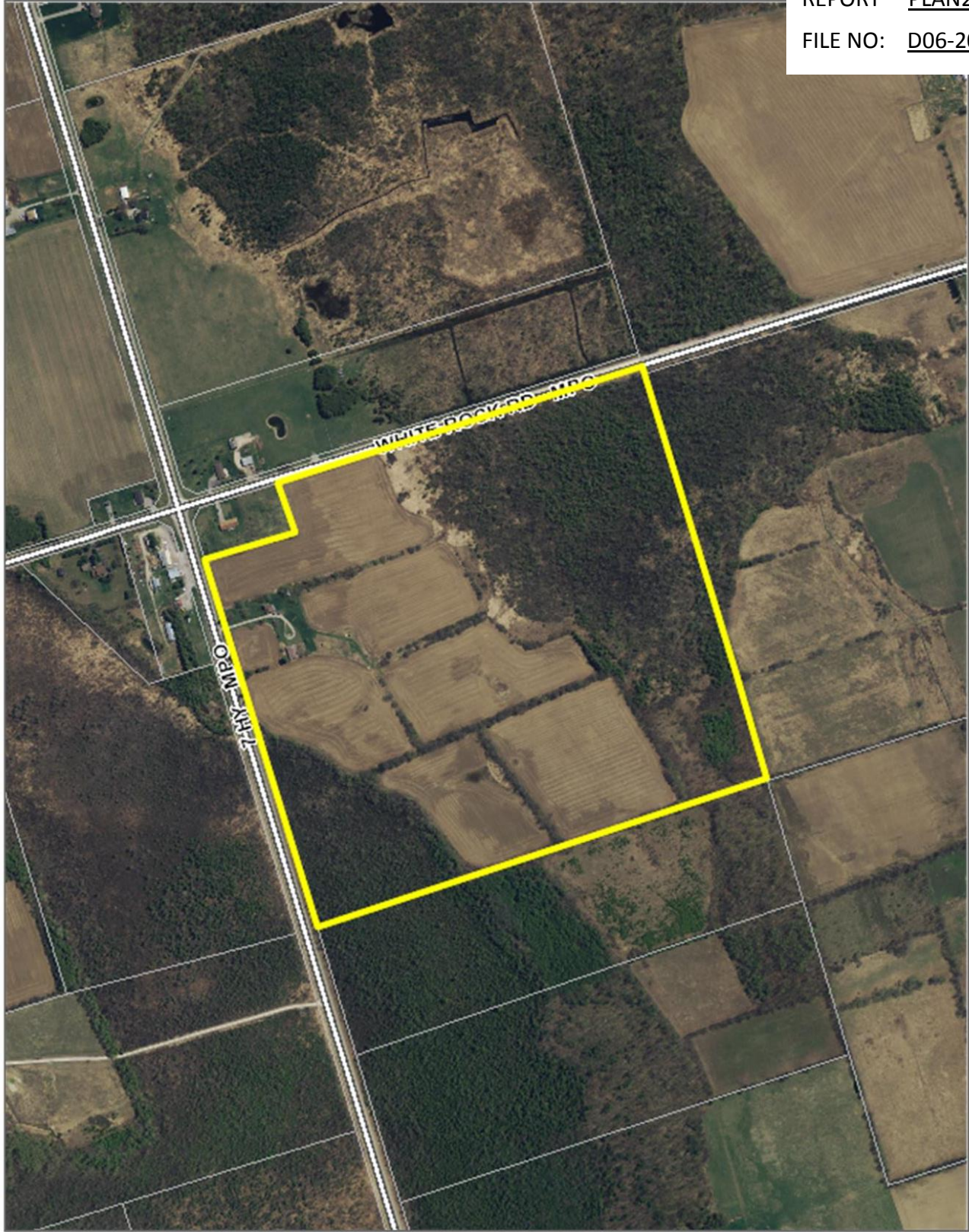




**CAUTION:**  
THIS PLAN IS NOT A PLAN OF SURVEY AND SHALL  
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE

**COE FISHER CAMERON**  
LAND SURVEYORS  
A wholly owned subsidiary of J.D. Barnes Limited  
257 KENT STREET WEST, LINDSAY, ONK5V 2Z3  
T: (705) 324-4132 F: (705) 324-4066





APPENDIX " C "

to

REPORT PLAN2018-008

FILE NO: D06-2018-003

This map is a user generated static output from an Internet mapping application. It is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES.



0.58 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes

to

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-008**By-Law 2018 -**FILE NO: D06-2018-003**A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-003, Report PLAN2018-008, respecting Part North Half of Lot 10, Concession 8, geographic Township of Mariposa, identified as 594 Highway 7 – 2264768 Ontario Limited]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part North Half of Lot 10, Concession 8, 594 Highway 7, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following section to Section 8.3:
 

“8.3.32 AGRICULTURAL EXCEPTION THIRTY TWO (A1-32) ZONE

8.3.32.1 Notwithstanding subsections 8.1.1.3, 8.1.1.5, and 8.1.1.8, residential uses and accessory uses thereto are not permitted.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the property from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Two (A1-32) Zone”, as shown on Schedule ‘A’ attached to this By-law.

**Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

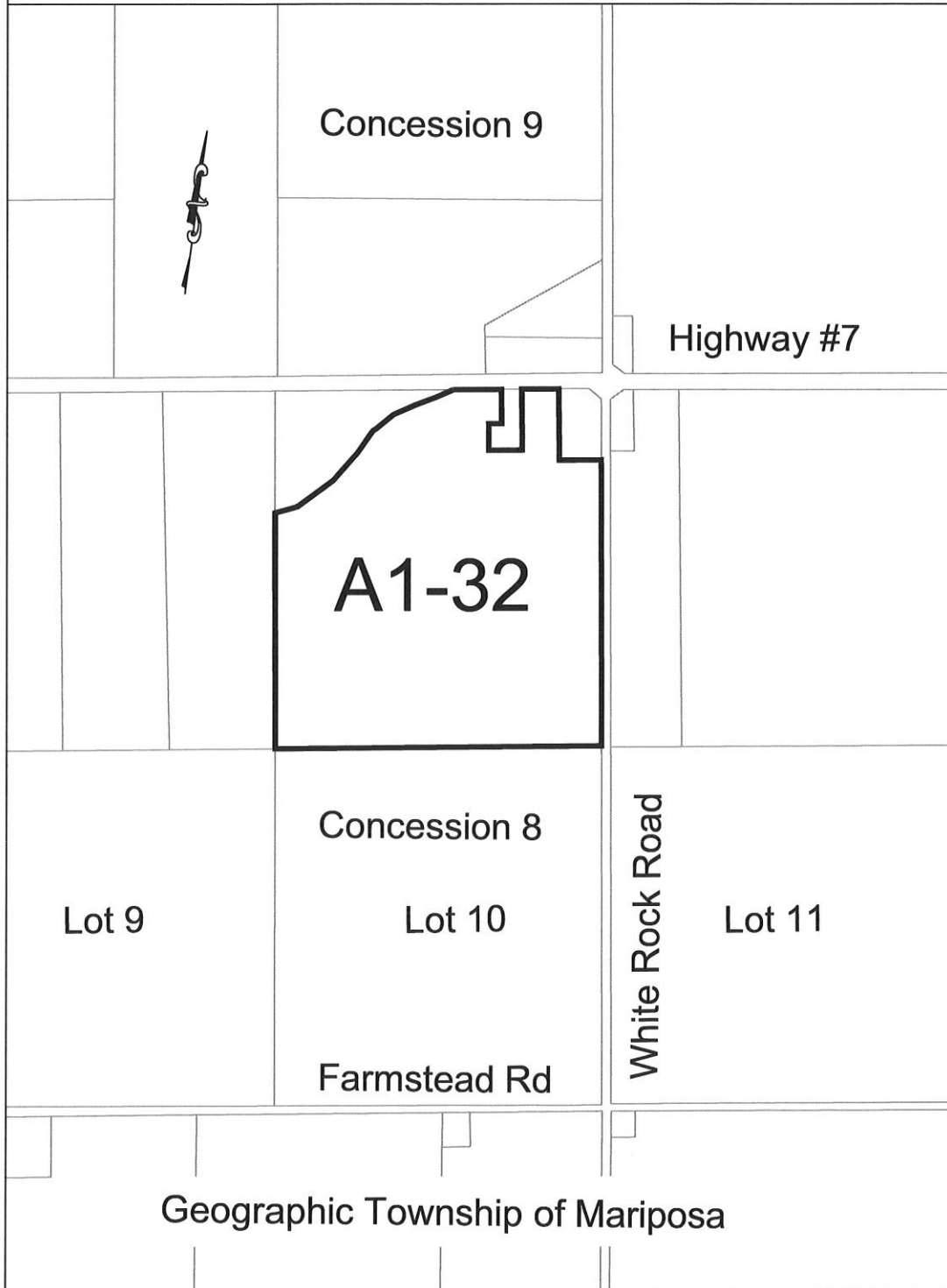
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_





# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-009**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 16 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a “Rural General (A1) Zone” to prohibit residential use on the proposed retained portion of land described as Part of Lot 16, Concession 12, geographic Township of Manvers, City of Kawartha Lakes, identified as 359 St. Mary’s Road (2264768 Ontario Limited) – Planning File D06-2018-004)

**Author and Title: Janet Wong, Planner II**

---

### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, and identified as 359 St. Mary’s Road; Application No. D06-2018-004, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-004, substantially in the form attached as Appendix “D” to Report PLAN2018-009, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

On January 25, 2018, provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-17-024 to sever an approximately 0.4 ha. residential lot containing a single detached dwelling and retain approximately 84.5 ha. of agricultural land. The retained land will be consolidated with non-abutting agricultural land.

As a condition of provisional consent the land to be retained is to be rezoned to prohibit residential use on the agricultural lands.

Owner:	2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 16, Concession 12, geographic Township of Manvers
Designation:	“Prime Agricultural” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“Rural General (A1) Zone” on Schedule ‘A’ of the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 85 ha.(approximate) – Coe Fisher Cameron Severed – 0.4 ha., Retained – 84.6 ha.
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North, East, South and West: Agricultural and Rural Residential

## **Rationale:**

The property is located on the west side of St. Mary’s Road (refer to Appendix “A”). The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of consent approval.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This

application will maintain the subject lands for agricultural uses unfettered by additional rural residential uses.

**Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for the long term use of all types, sizes and intensities of agricultural uses. As well, normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use as required by Sections 2.3.4.1a) and 2.3.4.1c)2. The lot to be retained has sufficient area to sustain agricultural uses and will have residential use prohibited. The residence is surplus to the farming operation and the lot size has been minimized taking into account the agricultural use in accordance with Section 2.3.4.1c)1.

Section 3.1 of the PPS Natural Hazard policy is to generally direct development to areas outside of the flood and erosion hazards. There are two headwater tributaries crossing the retained lands: one crossing about 26 m. south of the existing dwelling on the severed lands and connecting with the other stream flowing northerly across the south half of the retained lands. Based on the limited upstream drainage area and intended agricultural use there is sufficient area for any development and site alteration, which would not include dwellings, to occur outside the hazard lands as identified through the Kawartha Region Conservation Authority (KRCA) Ontario Regulation 182/06. The KRCA has not identified concerns with the lot creation, but has indicated that any development will require a permit under Ontario Regulation 182/06.

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm



operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as necessary for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

The “Environmental Protection” designation applies to the two headwater streams on the retained lands. The “Environmental Protection” policies of the Official Plan seek to prevent development or site alteration that would be adversely affected by flooding and erosion hazards. The KRCA has indicated the severed lands are not within the flood or erosion hazard lands, however are within the regulated limit of Ontario Regulation 182/06. There is sufficient area on the retained lands for agricultural use outside of the “Environmental Protection” designation.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The land is zoned “Rural General (A1) Zone” in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits a residential use. The Zoning By-law amendment would prohibit a residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies. The proposed lot exceeds the Zoning By-law 87-06 lot frontage and lot area requirements of the A1 Zone.

The Manvers Zoning By-law has applied the Open Space Zone to major wetlands and watercourses. As development will be restricted to agricultural uses and specifically no residential use on the retained lands, applying an Open Space Zone to the headwater streams has not been recommended. It is noted that the watercourses are regulated by the Kawartha Region Conservation Authority for any site alteration or development.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

## **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

## **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division-Building Inspection, Building Division-Sewage System Inspection, Development Engineering, and Chippewas of Rama First Nation raised no issues as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix "D" will ensure the subject land is preserved for agricultural use and will implement Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural lands and natural heritage. The application also conforms to the "Prime Agricultural" and "Environmental Protection" designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix 'A' – Location Map



Appendix A.pdf

### Appendix 'B' – Orthoimage



Appendix B.pdf

### Appendix 'C' – Applicant Sketch – received January 10, 2018



Appendix C.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D.pdf

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

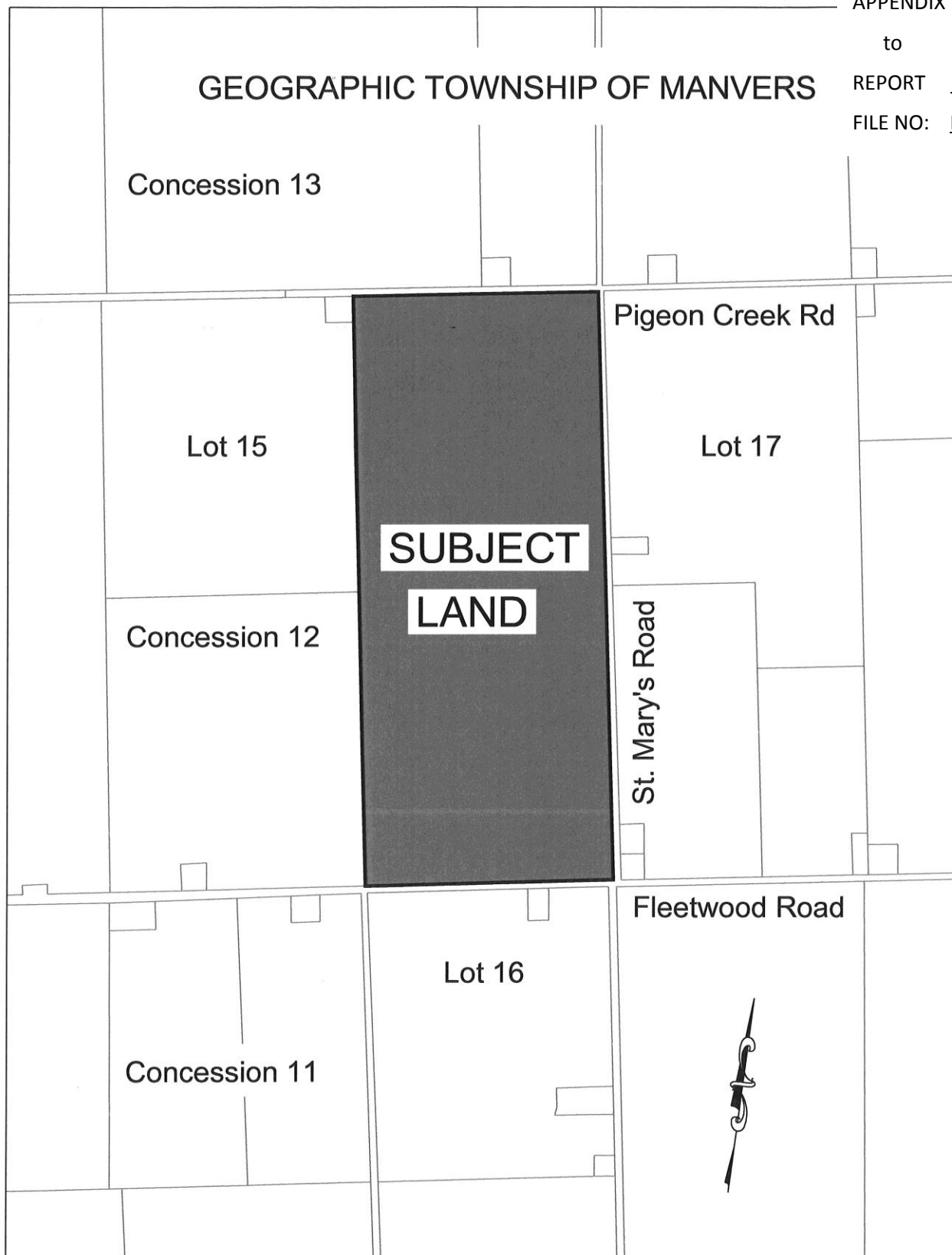
**Department File:** D06-2018-004

to

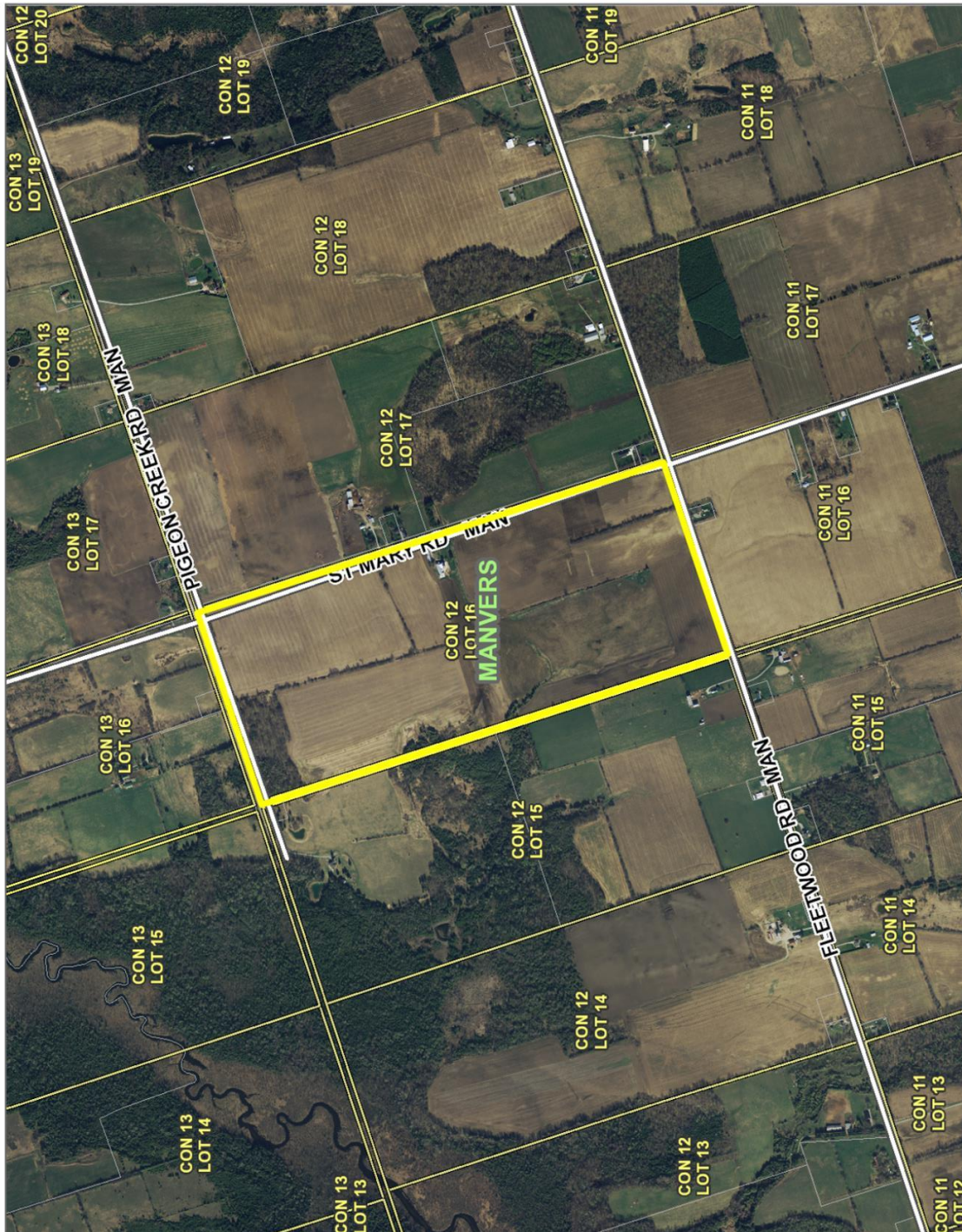
GEOGRAPHIC TOWNSHIP OF MANVERS

REPORT PLAN2018-009

FILE NO: D06-2018-004



# 359 St Marys Rd, geographic Twp Manvers



1:20 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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- Legend**
- Road Centreline
  - Geographic Townships
  - Upper Municipalities
  - Lower Tier Municipalities
  - Populated Places
  - Water Labels
  - Property ROLL#
  - Lots and Concessions

**Notes**  
Notes

APPENDIX " B "

to

REPORT PLAN2018-009

FILE NO: D06-2018-004





## **The Corporation of the City of Kawartha Lakes**

### **By-Law 2018 -**

#### **A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-004, Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, identified as 359 St. Mary's Road – 2264768 Ontario Limited]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the proposed retained portion of the property to fulfill a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 16, Concession 12, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:  
  
"hh. Notwithstanding subsection 10.1, a dwelling unit and accessory uses thereto are not permitted uses on lands zoned A1-S34."
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the "Rural General (A1) Zone" to "Rural General Special 34 (A1-S34) Zone", as shown on Schedule 'A' attached to this By-law.

#### **Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## GEOGRAPHIC TOWNSHIP OF MANVERS

Concession 13

Lot 15

Concession 12

Concession 11

**A1-S34**

Lot 16

Pigeon Creek Rd

Lot 17

St. Mary's Road

Fleetwood Road





# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-010**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 16 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a “Rural General (A1) Zone” to prohibit residential use on the proposed retained portion of land described as Part of Lot 11, Concession 10, geographic Township of Manvers, City of Kawartha Lakes, identified as 63 Lifford Road (2264768 Ontario Limited) – Planning File D06-2018-005)

**Author and Title: Janet Wong, Planner II**

---

### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-010, respecting Part of Lot 11, Concession 10, geographic Township of Manvers, and identified as 63 Lifford Road; Application No. D06-2018-005, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-005, substantially in the form attached as Appendix “D” to Report PLAN2018-010, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

On January 25, 2018, provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-17-025 to sever an approximately 0.5 ha. residential lot containing a single detached dwelling and retain approximately 37.8 ha. of agricultural land. The retained land will be consolidated with non-abutting agricultural land.

As a condition of provisional consent the land to be retained is to be rezoned to prohibit residential use on the agricultural lands.

Owner:	2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 11, Concession 10, geographic Township of Manvers
Designation:	“Prime Agricultural” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“Rural General (A1) Zone” on Schedule ‘A’ of the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 38.3 ha. – Coe Fisher Cameron Severed – 0.5 ha., Retained – 37.8 ha.
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserved
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North, East, and South: Agricultural West: Agricultural and Rural Residential

## **Rationale:**

The property is located on the north side of Lifford Road (refer to Appendix “A”). The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of consent approval.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This

application will maintain the subject lands for agricultural uses unfettered by additional rural residential uses.

**Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for the long term use of all types, sizes and intensities of agricultural uses. As well, normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use as required by Sections 2.3.4.1a) and 2.3.4.1c)2. The lot to be retained has sufficient area to sustain agricultural uses and will have residential use prohibited. The residence is surplus to the farming operation and the lot size has been minimized taking into account the proximity of future Provincial Highway 35 improvements, agricultural use, and topography in accordance with Section 2.3.4.1c)1.

Section 3.1 of the PPS Natural Hazard policy is to generally direct development to areas outside of the floodplain. There are two headwater tributaries on the north half of the retained lands flowing northerly. Based on the limited upstream drainage area and intended agricultural use there is sufficient area for any development and site alteration, which would not include dwellings, to occur outside the flood risk area as identified through the Kawartha Region Conservation Authority Ontario Regulation 182/06.

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be

severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as necessary for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

The “Environmental Protection” designation applies to the two headwater streams on the retained lands. The “Environmental Protection” policies of the Official Plan seek to prevent development or site alteration that would be adversely affected by flooding. The severed lands are not within the floodplain of the watercourses crossing the retained lands and there is sufficient area on the retained lands for agricultural use outside of the “Environmental Protection” designation.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The land is zoned “Rural General (A1) Zone” in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits residential use. The proposed Zoning By-law amendment contained in Appendix ‘D’ would prohibit residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

The property existed prior to Zoning By-law 97-06 coming into effect. Thus, while the lot does not meet the minimum lot area requirement of 38 ha., by Section 10.3a. the retained lot is deemed to conform to the By-law with respect to lot area requirements.

The Manvers Zoning By-law has applied the Open Space Zone to major wetlands and watercourses. As development will be restricted to agricultural uses and specifically no residential use on the retained lands, applying an Open Space Zone to the headwater streams has not been recommended. It is noted that the watercourses are regulated by the Kawartha Region Conservation Authority for any site alteration or development.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

## **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

## **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division-Building Inspection, Building Division-Sewage System Inspection, Development Engineering, Chippewas of Rama First Nation, and Ministry of Transportation have raised no issues as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix "D" will ensure the subject land is preserved for agricultural use and will implement Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural lands and natural heritage. The application also conforms to the "Prime Agricultural" and "Environmental Protection" designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix 'A' – Location Map



Appendix A.pdf

### Appendix 'B' – Orthoimage



Appendix B.pdf

### Appendix 'C' – Applicant Sketch – received January 10, 2018



Appendix C.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D.pdf

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D06-16-034

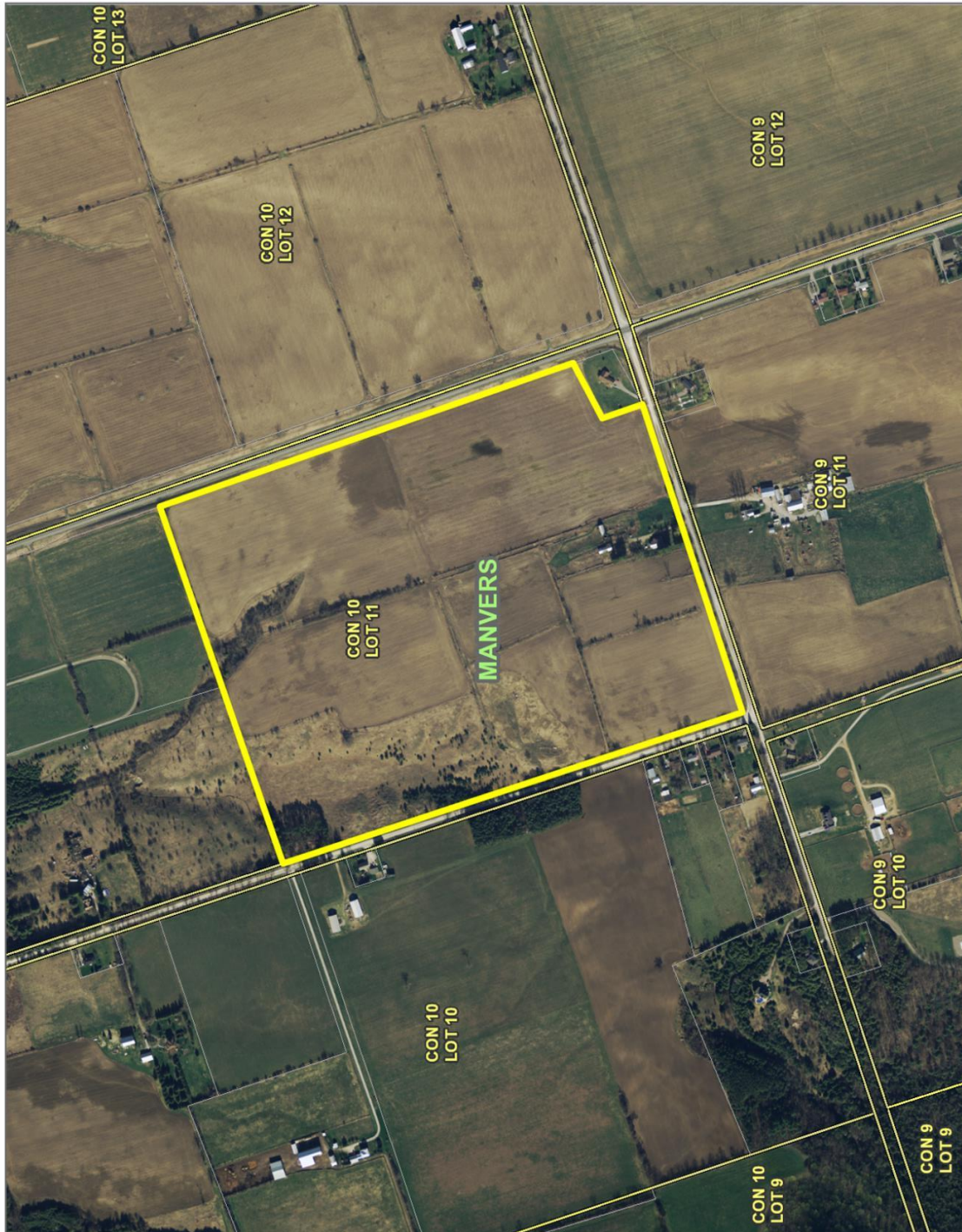
to

REPORT PLAN2018-010

FILE NO: D06-2018-005







- Legend**
- Geographic Townships
  - Lower Tier Municipalities
  - Populated Places
  - Water Labels
  - Property ROLL#
  - Lots and Concessions

**Notes**  
Notes

APPENDIX “ B ”

to

REPORT PLAN2018-010

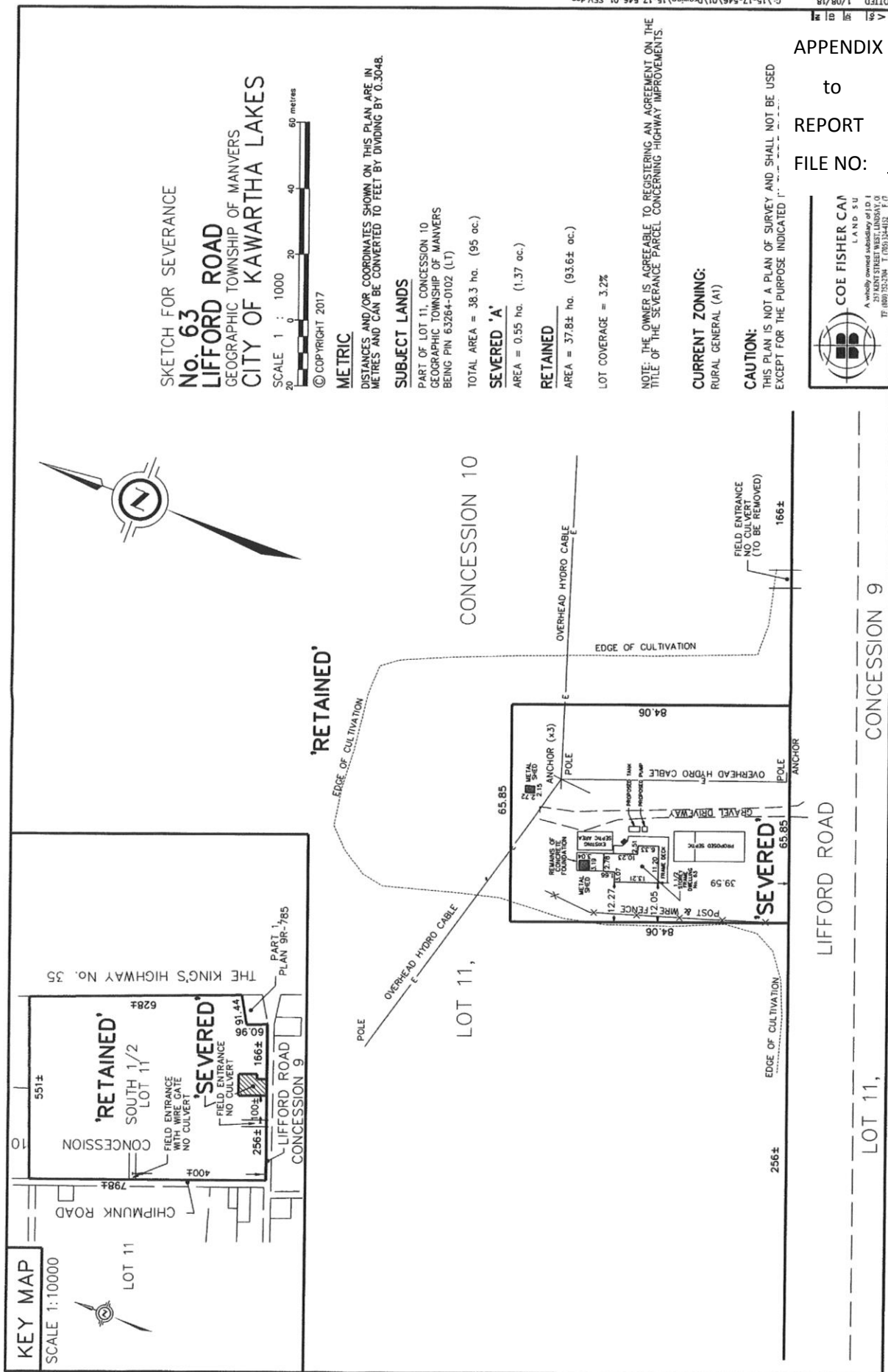
FILE NO: D06-2018-005

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0.60 Kilometers  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © City Of Kawartha Lakes





## The Corporation of the City of Kawartha Lakes

### By-Law 2018 -

#### **A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-005, Report PLAN2018-010, respecting Part of Lot 11, Concession 10, geographic Township of Manvers, identified as 63 Lifford Road, 2264768 Ontario Limited.

APPENDIX " D "

to

REPORT PLAN2018-010

FILE NO: D06-2018-005

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the proposed retained portion of the property to fulfill a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 11, Concession 10, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:  
  
"hh. Notwithstanding subsection 10.1, a dwelling unit and accessory uses thereto are not permitted uses on lands zoned A1-S34."
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the "Rural General (A1) Zone" to "Rural General Special 34 (A1-S34) Zone", as shown on Schedule 'A' attached to this By-law.

#### **Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

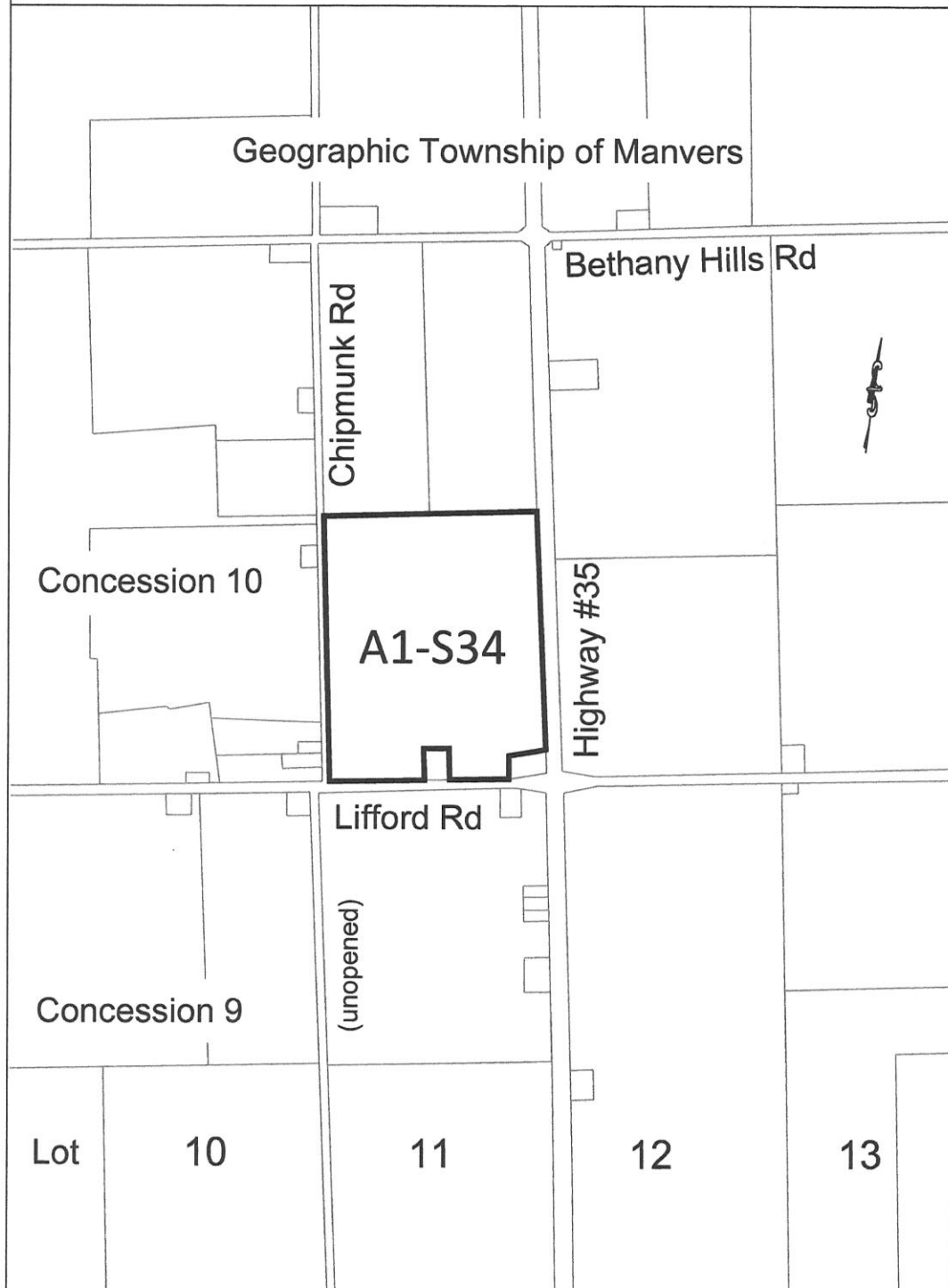
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-013**

---

**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

---

**Ward Community Identifier:** Ward 14 - Emily

**Subject:** An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-\*) Zone to permit a woodworking shop and related sales uses on land described as Part of Lots 7 & 8, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich) – Planning File D06-2018-006.

**Author and Title:** David Harding, Planner II

---

### **Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-013, respecting Lots 7 & 8, Concession 13, geographic Township of Emily, and identified as 432 King's Wharf Road, "Gingrich – Application D06-2018-006", be received; and

**THAT** the proposed Zoning By-law Amendment respecting Application D06-2018-006, be referred back to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**Department Head:**

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**Legal/Other:**

---

**Chief Administrative Officer:**

---

## Background:

The applicant has submitted a Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit a woodworking shop, and for sales of the shop's product from the property, see Appendix 'B'. The shop is proposed as an on-farm diversified use. A reduction in the number of required parking spaces for the business is also sought. The manufacture of cabinet and furniture doors, to be sold on a wholesale basis, is proposed within the shop. A one storey 15.2 metre x 24.4 metre (50 feet x 80 feet), 371.6 square metre (4,000 square foot) building is proposed. Approximately 24 square metres (258.3 square feet) of the building will be dedicated to storage and 16 square metres (172 square feet) for an office. No outside storage is proposed, as all raw material and finished products are proposed to be stored within the shop. The business is proposed to begin with a sole operator, and may grow to a maximum of three employees.

Owner:	Alvin Gingrich
Applicant:	Darryl Tighe, Landmark Associates Limited
Legal Description:	Part of Lots 7 & 8, Concession 13, geographic Township of Emily
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Emily Zoning By-law 1996-30, as amended
Site Size:	61.1 hectares
Site Servicing:	Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North, West: Agricultural, Rural Residential South, East: Agricultural

## Rationale:

The subject property is located within an agricultural area. The subject land contains an agricultural operation: the property is largely cultivated, and also contains a barn with cattle. In addition, there is a farmhouse, drive shed, and garage. All of the buildings are clustered together, see Appendix 'B'. The woodworking shop is proposed in-front of the barn, close to the existing driveway.

The applicant has submitted the following documentation in support of the application, which has been circulated to various City Departments, Divisions and commenting Agencies for review:

1. Planning Brief prepared by Darryl Tighe of Landmark Associates Limited, dated October 2017. This document discusses the appropriateness of permitting the proposed land use on the property.

The following documents are included within the Planning Brief:

- a. Agricultural Impact Brief prepared by Darryl Tighe of Landmark Associates Limited dated October 2017, which examines the impact the use may have on agricultural operations;
- b. Septic System Assessment prepared by Bruno Dobri of Landmark Associates Limited dated September 28, 2017, which examines the ability of the existing sewage system on the property to accommodate the proposed use; and
- c. Percolation Rate Testing Summary prepared by Dan MacIntyre of Oakridge Environmental Limited, which examines the soils immediately adjacent to the existing tile bed.

As an on-farm diversified use is proposed, Minimum Distance Separation 1 setbacks are not required.

At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

Therefore, this application appears to conform to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

Sections 1.1.5.2, 1.1.5.4, 1.1.5.7, and 1.1.5.8 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape. The sections further provide that where such uses are complimentary to a farm operation, such as an on-farm diversified use, those operations should be promoted to support a diversified rural economy. Section 2.3.3 permits on-farm diversified uses that are compatible with surrounding agricultural operations.

On-farm diversified uses are to be secondary to the principal agricultural use on the property and limited in area. The application to rezone a portion of the subject lands would facilitate the creation of an additional business on the farm property.

Full consistency with the PPS will be established through the further review of the application.

### **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

Full conformity with the Official Plan will be established through the further review of the application.

### **Zoning By-law Compliance:**

The subject land is zoned “Agricultural (A1) Zone” and “Environmental Protection Exception (EP) Zone” in the Township of Emily Zoning By-Law 1996-30. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking shop and associated sales. The lands zoned EP will be unaffected by this proposed amendment.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval, along with a 2% cash-in-lieu of parkland dedication. It is anticipated that site-specific zone provisions shall be developed to address these items. A suitable mechanism may be a holding provision.

The application proposes to reduce the total number of required parking spaces for the proposed use, notwithstanding the fact that the site can accommodate the required parking. Staff shall further examine the appropriateness of this request.

Zoning By-law compliance will be established through a full review of the application.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

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

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment by adding an on-farm diversified use.

## **Servicing Comments:**

No sanitary services are proposed within the proposed woodworking shop. Employees and clients are proposed to be directed to washroom within the walk-out basement of the dwelling. The existing single detached dwelling on the land is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division – Part 8 Sewage Systems, Chippewas of Rama First Nation, Engineering and Corporate Assets Department and Kawartha Region Conservation Authority raised no concerns as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specifies that on-farm diversified uses are to minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation.

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.



## Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## Attachments:

### Appendix 'A' – Location Map



Appendix A to  
PLAN2018-013.pdf

### Appendix 'B' – Sketches for Application



Appendix B to  
PLAN2018-013.pdf

### Appendix 'C' – Aerial Photograph



Appendix C to  
PLAN2018-013.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

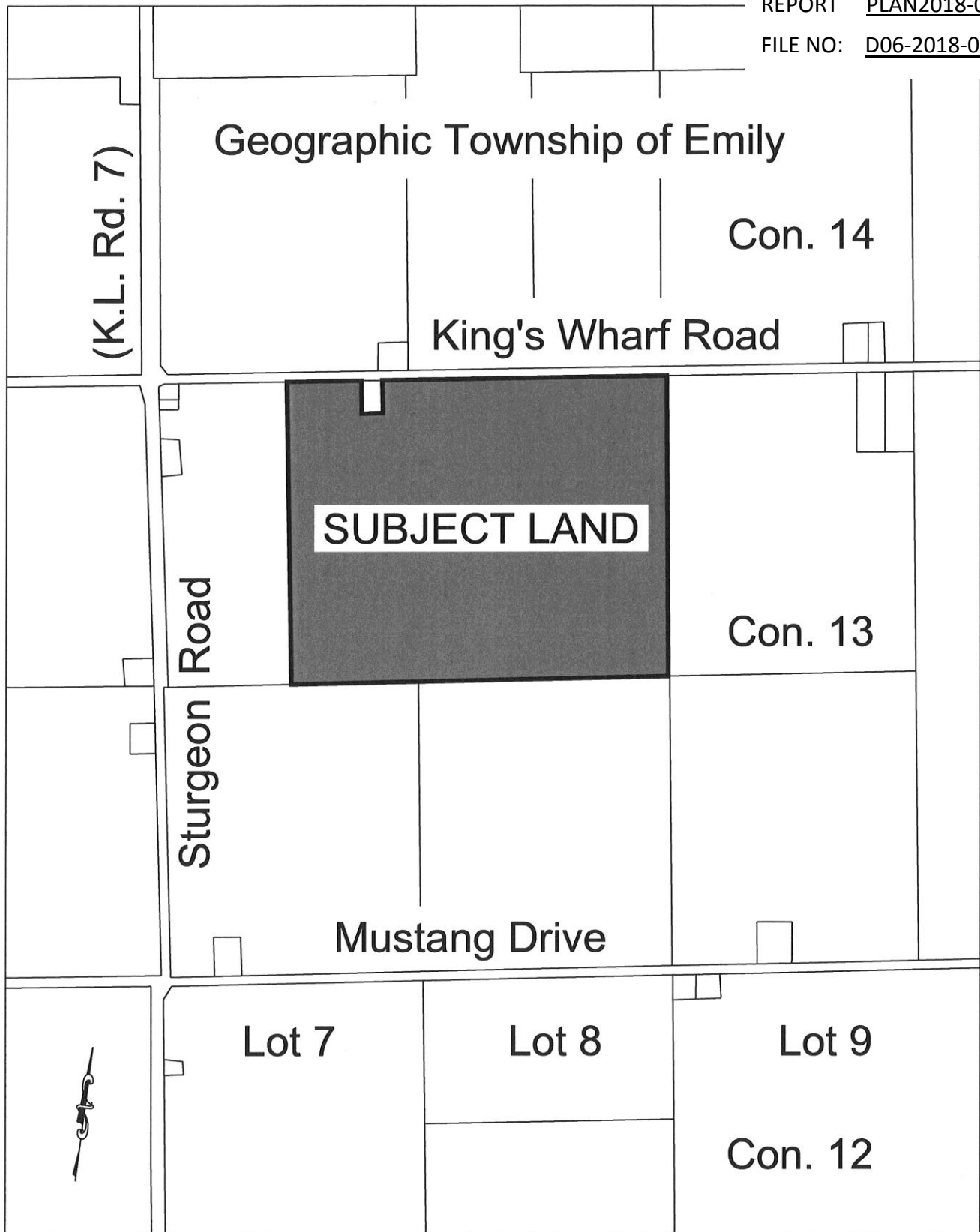
**Department Head:** Chris Marshall

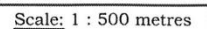
**Department File:** D06-2018-006

to

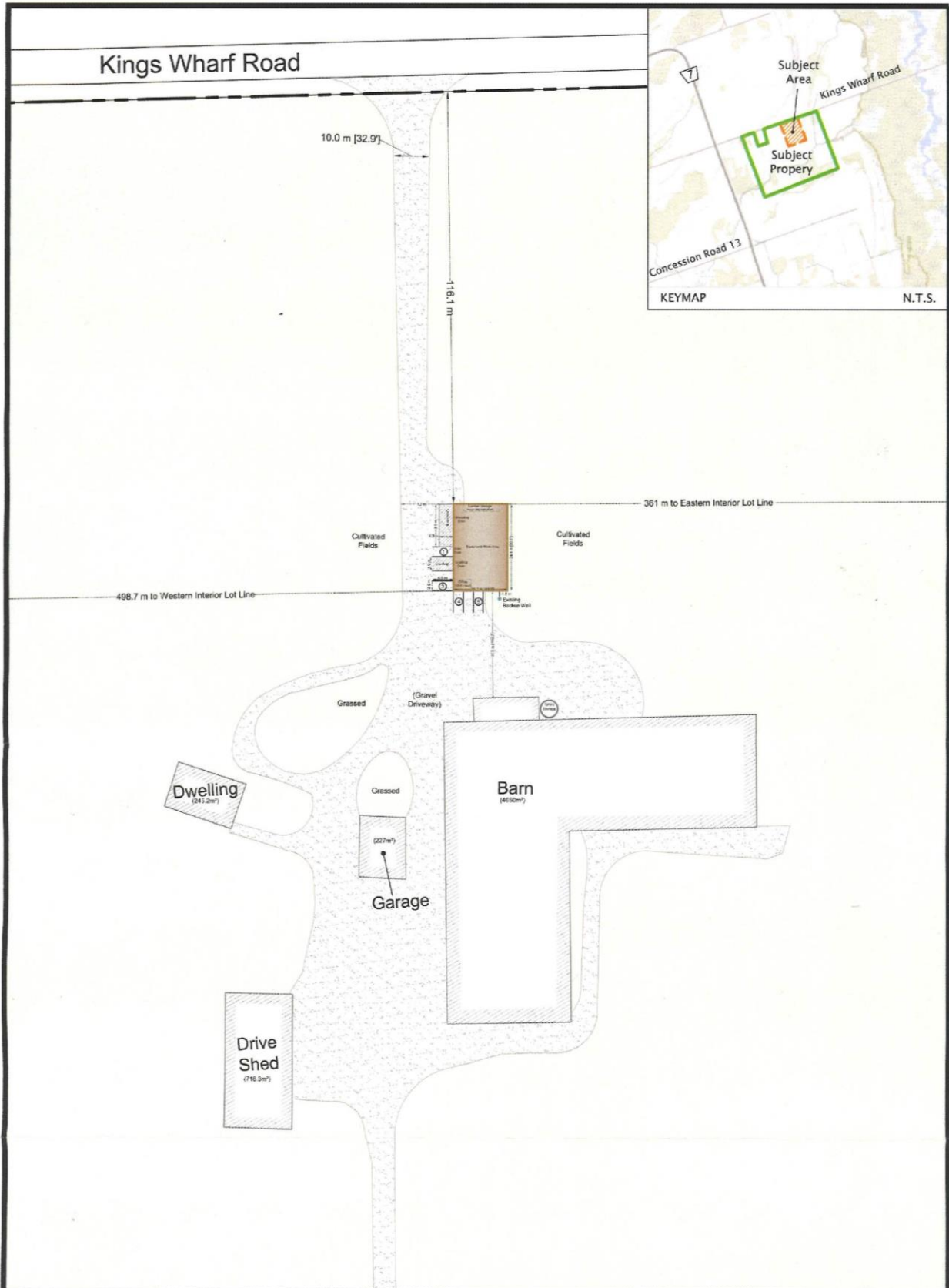
REPORT PLAN2018-013

FILE NO: D06-2018-006





October, 2017



Woodworking Shop

- Building Floor Area 4000 ft² (371.6m²)
- Single Storey

## PROPOSED WOODWORKING SHOP CONECPTUAL SITE PLAN LAYOUT

NELSON GINGRICH

432 KINGS WHARF ROAD

PART LOT 7, AND ALL OF LOT 8 CONCESSION 14 - EMILY  
CITY OF KAWARTHA LAKES

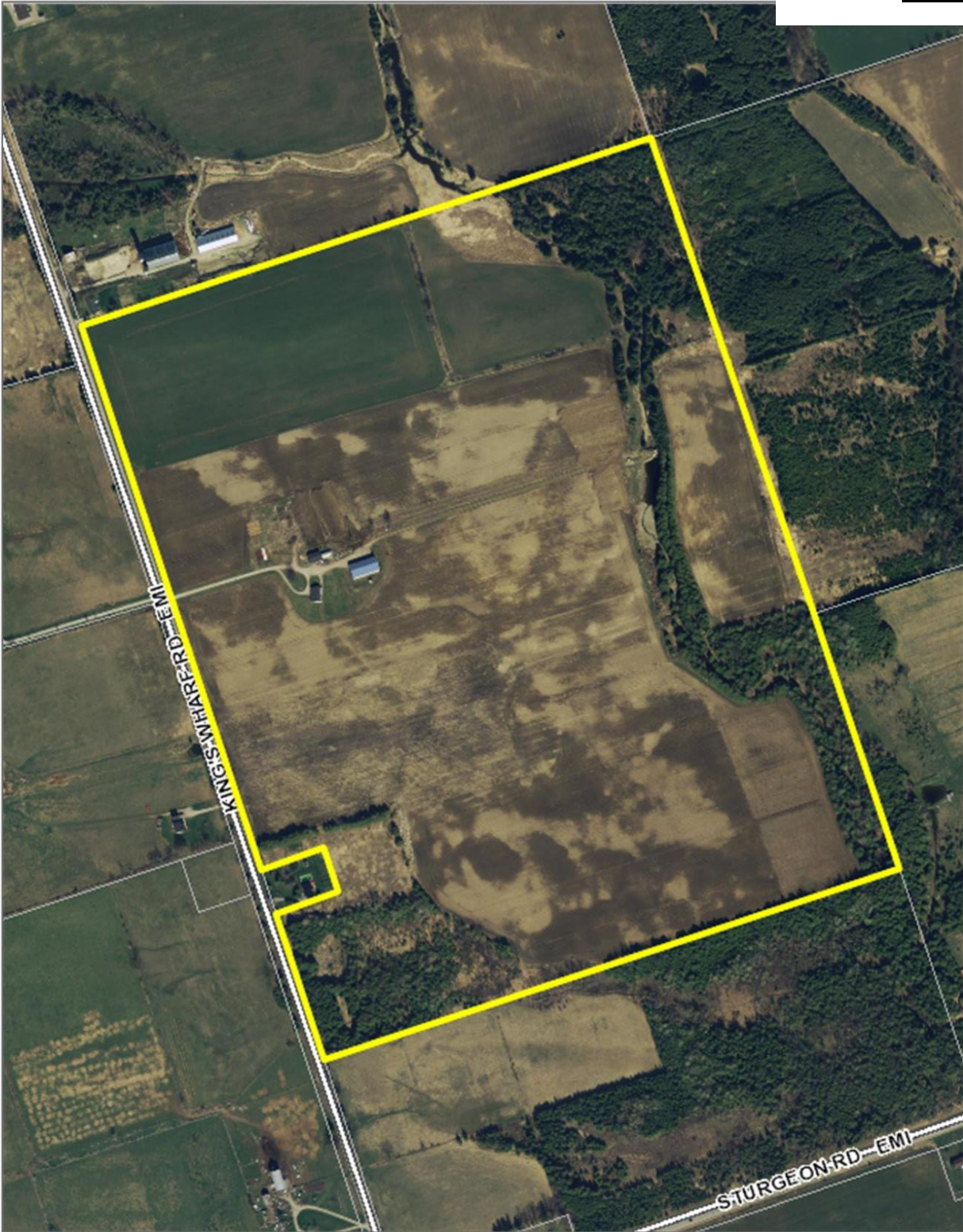
Scale: 1 : 1000 metres



October, 2017







0.47

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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APPENDIX " C "

to

REPORT PLAN2018-013

FILE NO: D06-2018-006

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-014**

---

**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

---

**Ward Community Identifier:** Ward 14, Ops

**Subject:** An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the agricultural portion of the property from an Agricultural (A) Zone to an Agricultural Exception Nine (A-9) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 14, Concession 10, geographic Township of Ops, City of Kawartha Lakes and identified as 771 Lilac Road (Nick, Kosto and Simo Popovic)

**Author and Title:** Sherry L. Rea, Development Planning Supervisor

---

### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-014, respecting Part of Lot 14, Concession 10, geographic Township of Ops and identified as 771 Lilac Road; Application No. D06-2018-007, be received;

**THAT** a Zoning By-law Amendment respecting Application D06-2018-007, substantially in the form attached as Appendix “C” to Report PLAN2018-014, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

On January 27, 2017, provisional consent was granted by the Director of Development Services, as delegated by Council, for Application D03-16-014 to sever a 1 ha. residential lot containing a single detached dwelling and accessory buildings and retain approximately 39.5 ha. of agricultural land. The retained land will be consolidated with a non-abutting agricultural operation. On December 19, 2017, due to a technical amendment, the Director of Development Services changed one of the original conditions thereby extending the lapsing date for provisional consent. As a condition of provisional consent the land to be retained is to be rezoned to prohibit residential use on the agricultural lands.

Owners: Nick, Kosto and Simo Popovic

Legal

Description: Part Lot 14, Concession 10, geographic Township of Ops, now City of Kawartha Lakes

Official Plan: Designated Prime Agricultural and Environmental Protection on Schedule A-3 of the City of Kawartha Lakes Official Plan

Zone: Agricultural (A) Zone in the Township of Ops Zoning By-law No. 93-30

Total Area: 40.5 ha. Total Area of Retained Land: 39.5 ha.

Site Servicing: Severed lot is serviced by private well and sewage disposal system

Existing Use: Severed lot – Residential Retained Land: Agricultural

Adjacent Uses: North, South, East and West – Large Agricultural parcels

## **Rationale:**

The property is located on the west side of Lilac Road. The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of provisional consent. See Appendix A and B attached.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This application will maintain the subject land for agricultural uses.



### **Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for the long term use of all types, sizes and intensities of agricultural uses. As well, normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use as required by Sections 2.3.4.1a) and 2.3.4.1c)2 of the PPS. The lot to be retained has sufficient area to sustain agricultural uses and will have the residential use prohibited. The residence is surplus to the farming operation and the lot size has been minimized thereby leaving as much of the agricultural land available for the agricultural operation.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan). The Environmental Protection designation reflects small portions of the retained land which contains the location of a watercourse. Section 15.1 of the Official Plan provides that agricultural land that is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed; however, the Official Plan requires the retained agricultural land to be rezoned to prohibit any residential use.

This application thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The land is zoned Agricultural (A) in the Township of Ops Zoning By-law 93-30. The A Zone permits residential uses. The proposed Zoning By-law amendment

contained in Appendix “C” would prohibit residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The City’s Strategic Plan outlines Council’s Vision for the municipality. The Vision consists of three main Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life, and A Healthy Environment. The application aligns with the Vibrant and Growing Economy Goal as it provides opportunity to expand the agricultural employment base for the Municipality.

### **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

### **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private well and sewage disposal system.

### **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the City of Kawartha Lakes Official Plan. Staff respectfully recommends that the application be referred to Council for APPROVAL.

### **Consultations:**

Notice of this application was circulated in accordance with the Planning Act. The following comments were received:

January 17, 2018 – Building Division indicated no concerns.

January 18, 2018 – Building Division – Sewage System Program indicated no concerns.

No comments were received from the public as a result of the Notice given.

### **Attachments:**

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor (705) 324-9411 ext. 1331.

#### **Appendix A – Location Map**



Appendix 'A' -  
Location Map.pdf

#### **Appendix B – Severance Sketch**



Appendix 'B' -  
Severance Sketch.pdf

#### **Appendix C – Draft Zoning By-law Amendment**



Appendix 'C' - Draft  
Zoning By-law Amendment.pdf

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**Phone:** 705-324-9411 ext. 1239

**E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-007

# Geographic Township of Ops

Tracey's Hill Rd

Con. 10

Con. 11

Settlers Rd

Lot 14

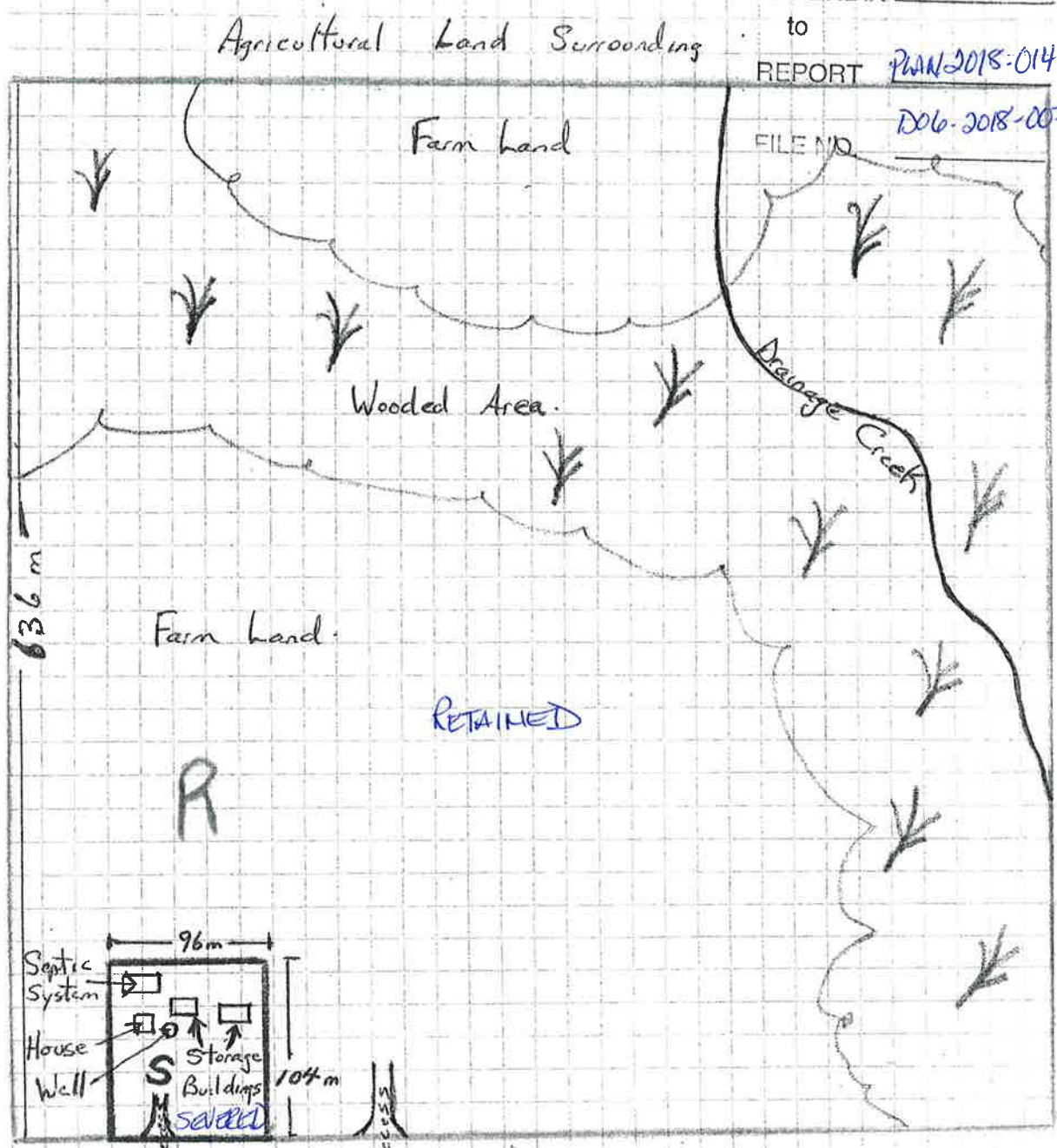
**SUBJECT  
LAND**

Lot 13

Lilac Rd

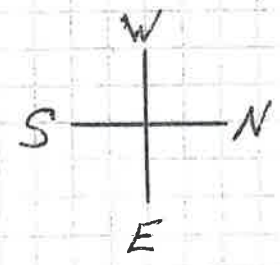
Breezeway Rd





# 771 Lilac Road. 600m to Tracey Hill Road. →

scale  
 $\frac{1}{4}'' = 65'$



636 m.

RECEIVED  
 OCT 11 2017  
 City of Kauai  
 Development Dept  
 Planning Division

to

The Corporation of the City of Kawartha Lakes PLAN 2018-014

By-Law 2018 -

FILE NO. D06-2018-007**A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30  
To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-007, Report PLAN2018-014, respecting Part Lot 14, Concession 10, geographic Township of Ops, identified as 771 Lilac Road – POPOVIC]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 14, Concession 10, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the property from the "Agricultural (A) Zone" to the "Agricultural Exception Nine (A-9)" Zone for the land referred to as 'A-9', as shown on Schedule 'A' attached to this By-law.

**Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## Geographic Township of Ops

Tracey's Hill Road

Concession 10

Con. 11

Settlers Rd

Lot 14

A-9

Lilac Road

Lot 13

Breezeway Rd

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-001**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Regular Meeting**

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**Ward Community Identifier:** Ward 7

**Subject:** Request by Romspen Investment Corporation to enter into a Subdivision Agreement for Phase 1 of Plan of Subdivision 16T-06505, File No. D05-19-014, Arizona Heights (Lakes Terminal and Warehousing Ltd.), being Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, now City of Kawartha Lakes

**Authors:** Sherry L. Rea, Development Planning Supervisor  
Christina Sisson, Supervisor, Development Engineering

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-001, respecting Part of Blocks W and X, Plan 70, former Village of Bobcaygeon, Application No. D05-19-014, Lakes Terminal and Warehousing Ltd. – Arizona Heights, Phase 1 – 16T06505, be received;

**THAT** Schedule “D” Summary of Estimated Costs, in Appendix “C” to Report PLAN2018-001 shall list 100% of the cost of all works to the satisfaction of the Director of Development Services and the Director of Engineering & Corporate Assets;

**THAT** the Subdivision Agreement for File No. D05-19-014 substantially in the form attached as Appendix “C” to Report PLAN2018-001, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and subsequent Agreement(s) required by the approval of this Agreement.

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**Department Head:** \_\_\_\_\_

**Corporate Services Director / Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_



## **Background:**

On August 29, 2006, Council granted draft plan of approval to Plan of Subdivision 16T-06505 to create 63 residential lots for single detached dwellings, a block for a stormwater management pond, a block for a road widening and two blocks for new cul-de-sac roads. Subsequently, the Director of Development Services extended the draft plan approval on April 22, 2009, August 17, 2012 and September 30, 2014, and October 24, 2017 with a final lapsing date of October 24, 2019.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). The purpose of this report is to present the staff endorsed draft Subdivision Agreement, attached as Appendix "C" respecting the draft plan attached as Appendix "B". This Agreement complies with Council's policies and by-laws applicable to the development of land and incorporates civil engineering standards and land-use planning requirements.

## **Rationale:**

Romspen Investment Corporation (Romspen) has requested that the City prepare the required Subdivision Agreement for Phase 1 of the draft approved plan of subdivision. Romspen is acting in its capacity under Power of Attorney for Lakes Terminal and Warehousing Ltd. which was signed on May 16, 2012. The Power of Attorney was registered on title to the property on September 12, 2017 as KL131228.

Phase 1 represents the creation of 19 residential building lots (Lots 1 through 19) together with a block for stormwater management (Block 20), a block for drainage (Block 22), a block for future connection to the remaining draft approved plan (Block 21) and a block for a 0.3 m. reserve (Block 23). There are 21 conditions of draft plan approval and some of these have already been fulfilled and others will be fulfilled in accordance with the requirements and obligations set out in the Subdivision Agreement. Romspen must sign the Subdivision Agreement before the Mayor and City Clerk. The Director of Development Services will subsequently sign the final plan and each of these documents will then be sent to the City solicitor for final review and registration and residential lots will be created with the registration of the M-Plan.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

As this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement conforms to the 2017 Growth Plan.

### **Provincial Policy Statement (PPS):**

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement are consistent with the 2014 Provincial Policy Statement.

### **Official Plan Conformity:**

The property is designated “Urban Settlement Area” in the City of Kawartha Lakes Official Plan and subject to the Bobcaygeon Secondary Plan currently under appeal to the Ontario Municipal Board. This plan and implementing Subdivision Agreement conforms to the policies and designations in both the City of Kawartha Lakes Official Plan and the Bobcaygeon Secondary Plan.

### **Zoning By-law Compliance:**

The land is zoned Urban Residential Type One Exception Thirteen (R1-S13) in the Village of Bobcaygeon Zoning By-law 16-78. The site specific exception permits a maximum lot coverage of 40%. The proposed residential use and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

### **Servicing Comments:**

On July 27, 2005, Lakes Terminal and Warehouse Ltd. entered into a Pre-Servicing Agreement with the City and provided the required \$25,000.00 securities to initiate servicing on the subject land. The Subdivision Agreement serves to ensure accountability of the developer in the construction of the servicing infrastructure to be completed on the subject land. All Public Services under the subdivision agreement will be required to be verified prior to any acceptance, security reduction, and ultimately assumption. To date, the watermain has been installed and will require commissioning prior to acceptance. In addition, the storm sewer that was installed through pre-servicing has existing cracks that will have to be monitored prior to acceptance and/or assumption. The sanitary sewer that has been installed will be required to be cleaned, flushed, and verified prior to acceptance and/or assumption.

The stormwater management facility is an infiltration facility which has undergone a re-design and amended approval from the Ministry of the Environment and Climate Change. The facility will require monitoring and recording as per the MOECC Environmental Compliance Approval prior to acceptance and/or assumption.

### **Accessibility Implications:**

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

### **Consultations:**

Consultations involved staff from the City's Engineering & Corporate Assets, Community Services and Public Works Departments.

### **Development Services – Planning Division Comments:**

City staff has completed their review of Phase 1 of draft Plan of Subdivision 16T-06505, Lakes Terminal and Warehousing Ltd. and endorses Appendix "B" and "C". We support the recommendations set out in this Report PLAN2018-001. It is now appropriate that the matter be considered by Council.

### **Other Alternatives Considered:**

No other alternatives have been considered as this application conforms to the Provincial Policies and the City of Kawartha Lakes Official Plan.

### **Financial Considerations:**

The draft Subdivision Agreement requires the owner to pay all of the City's reasonable legal costs incurred in the preparation and registration of the Agreement, together with the City Engineering Fee. The owner is also required to provide a Letter of Credit for 100% of the Estimated Cost of Works to the satisfaction of the Director of Development Services and the Director of Engineering & Corporate Assets.

It is Staff's understanding that the owner is requesting three (3) changes to the City's standard procedures:

1. The City requires that 100% of the securities for the works contained in Schedule "D" be posted with the City as part of the execution of the Subdivision Agreement. Romspen is seeking a reduction in the securities for works that have already been completed to date, and the City is in receipt of the written request. See Appendix "E" attached. Prior to supporting any reduction, the City required the following:
  - a) Revised Schedule "D" Cost Estimate itemizing components completed and requested security reduction for each component.

- b) Submission of engineering certification that all works have been constructed in conformity with the plans and specifications approved by the City.
- c) Statutory declaration as per the CKL template that all accounts for material, labour and equipment are paid in full.
- d) As built design drawings to be submitted and approved by the City.

Engineering staff confirm supporting documentation has been received for consideration of the reduced security.

- 2. The standard Subdivision Agreement requires that all development charges follow the Council approved policy of September, 2016. Staff has received the email from the Owner requesting that payment of these Development Charges be deferred to the Occupancy stage (attached as Appendix "D").

The Director of Community Services advises that the City should accept cash in lieu of parkland in accordance with the Planning Act. The amount payable is \$24,000.00 based on an appraised value of the land the day before draft plan approval was granted and the owner is accepting of this.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the Exceptional Quality of Life Goal as it permits residential development with access to municipal parks and cycling and walking paths.

## **Attachments:**

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix "A" – Location Map



Appendix 'A' -  
Location Map.pdf

Appendix "B" – Draft M-Plan



Appendix 'B' - Draft  
M-Plan.pdf

Appendix "C" – Draft Subdivision Agreement



20180130 - Draft  
Arizona Heights Subdi

Appendix "D" – Request for Development Charge Deferral



FW 1732 - Arizona  
Heights.msg

Appendix "E" – Request for Security Reduction



1732 - ECA Approval  
Subdivision Agreemen

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**E-Mail:** [srea@kawarthlakes.ca](mailto:srea@kawarthlakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D05-19-014

APPENDIX "A"  
to  
REPORT PLAN 2018-001  
FILE NO. 205-19-014

Geographic Township  
of Verulam

Peterborough  
County

'Harvey Township'

Alma Rd

Road #49

Bick St

'SUBJECT  
LAND'

Dunn St

East St N

Taylor St

Road #36

Jane St

Main St.

Duke St

Juniper Crt

Birch Cres

'Bobcaygeon'



# Document General

## Subdivision Agreement

Between

Lakes Terminals & Warehousing Ltd.  
and

The Corporation of the City of Kawartha Lakes

Arizona Heights Residential Subdivision (Phase 1)  
16T- 06505

Dated as of , 2018



CITY OF KAWARTHA LAKES

SUBDIVISION AGREEMENT

THIS AGREEMENT made in triplicate this \_\_\_\_ day of \_\_\_\_\_, 2018.

BETWEEN:

**Lakes Terminals & Warehousing Ltd.**

Hereinafter called the “OWNER”

OF THE FIRST PART

and

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

Hereinafter called the “CITY”

OF THE SECOND PART

WHEREAS Council has granted Draft Plan Approval with Conditions (File No.16T-06505, D05-19-014) for the proposed subdivision, and whereas Council has authorized the execution of this Agreement, which requires that the Owner shall satisfy all the requirements financial and otherwise of the City. This Agreement is entered into to set out the terms and conditions which must be met in consideration of the City and appropriate agencies advising the City that the conditions have been met.

AND WHEREAS the Land affected by this Agreement is legally described as Parcel Block W-1, Plan 70-BOB, Part of Blocks W and X on Registered Plan 70 (formerly Registered Plan 29) designated as Part 1 on Plan 57R-6468, former Geographic area of Bobcaygeon, in the City of Kawartha Lakes. More particularly, the Land is described as, Lots 1 to 19, both inclusive, and Blocks 20 to 23, both inclusive, as shown on Plan 57M- \_\_\_\_\_, City of Kawartha Lakes.

AND WHEREAS the Owner has applied to the City pursuant to Subsection 51(26) of the *Planning Act* for an Agreement to provide the implementation of the draft plan conditions for File No. 16T-06505 as required by the City and the City has agreed to allow the registration of the Draft Plans of Subdivision for the above-mentioned Land.

AND WHEREAS the City has agreed that the Owner may construct and install certain Public Services, hereinafter referred to as the “Public Services”, to serve the Land to be serviced, and shall undertake to make such financial arrangements with the City for the installation and construction of the said Public Services as are hereinafter provided and to enter into this Agreement.

AND WHEREAS the Owner is required to grant certain land referred to herein for Municipal purposes.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of other good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money in Canada now paid by each of the parties hereto to each of the other parties hereto (the receipt whereof is hereby acknowledged), the parties hereto hereby covenant, promise and agree with each other as follows:

**1. PUBLIC SERVICES**

**a) SERVICING**

(i) The Owner shall commence within twelve (12) months of the date of execution of this Agreement, and shall complete within forty-eight (48) months after the date of execution of this Agreement, subject to unavoidable delay, the installation of the Public Services as shown on Schedule "A-1" and as further itemized in Schedules "C" and "D" to this Agreement. All Public Services as shown on Schedules "A-1" and as further itemized in Schedules "C" and "D" shall be constructed in strict accordance with the plans and specifications approved by the Director of Engineering and Corporate Assets or his or her designate, hereinafter referred to as the "Director". A paper copy and electronic copy on CD of the approved construction plans shall have been deposited with the Director prior to the execution of this Agreement by the City.

(ii) The Owner agrees to submit to the City, prior to commencing the installation of services, a construction management plan to regulate the routing of construction traffic for all phases of the development. The construction management plan will include measures to minimize construction mud on the roads as well as road cleanings at the expense of the Owner.

#### b) INSPECTION

The Owner covenants and agrees to retain a competent consulting engineer experienced in the municipal engineering field. All of the Public Services shall be installed under the supervision and inspection of the engineering firm of D.M. Wills Associates Limited (the "Consulting Engineer"), and the Owner shall not retain the services of another engineering firm or change firms without the prior written consent of the Director. The Consulting Engineer is hereby approved by the Director and shall file in writing with the Director an undertaking with respect to the work being done under its supervision and inspection. The Consulting Engineer shall provide appropriate inspection and review of the work in order that a written final certification regarding all the Public Services may be provided. The Consulting Engineer shall be retained by the Owner until all requirements of this Agreement have been completed to the satisfaction of the Director.

The Owner shall notify the Director at least two (2) business days in advance of the commencement of any construction of Public Services. If the Owner's Consulting Engineer does not supervise the installation of the Public Services

satisfactorily, the City may stop the construction.

#### c) CONTRACTORS

Any contractors employed by the Owner to complete the installation of any Public Service must be approved by the Director. Notwithstanding this, contractors engaged to grade, topsoil and sod the boulevards and those engaged to construct and pave driveway aprons prior to the assumption of the roads need not be approved by the Director subject to such work being certified by the Consulting Engineer.

The City reserves the right to employ its own contractor for any works, the cost of which is partially or completely paid for by the City, provided no such City-employed contractor shall increase the costs of such works or delay the performance of such works.

#### d) INSTALLATION

In the event that the Owner fails to complete the hereinafter mentioned Public Services within the four (4) year period outlined in Section 1.a) above, or, is in default as per Section 8, the Director may, without further notice, enter upon the said Land and proceed to supply all materials and do all necessary works in connection with the installation of said Public Services, including the repair or reconstruction of faulty work and the replacement of materials not in accordance with the specifications, and to charge the cost thereof, together with an administrative fee of 5% of the cost of such material and works, to the Owner who shall forthwith pay the same upon demand by the City. It is understood and agreed between the parties hereto that such entry upon the Land shall be as agent for the Owner and shall not be deemed, for any purposes whatsoever, as an acceptance or assumption of the said Public Services by the City.

No finished road surface shall be installed until the Director has given to the Owner written permission to proceed. All roads under construction within the Plan of Subdivision must be marked with signs provided by the Owner which clearly state that the roads are not assumed by the City. The signs will not be removed until such time as the assumption by-law is passed.

Engineering drawings showing "As-Built" information for all public services installed, in electronic AutoCAD, PDF and hard copy are required to be submitted

to the City within three (3) months after the date of installation of the services. The Owner will be responsible for executing all public servicing locates, including water, sanitary and storm infrastructure, within the development until the Director receives and approves the "As-Built" drawings.

#### e) REPAIRS

If, at any time prior to the Assumption of the Public Services as outlined in Section 1.h) below, any of the Public Services fail to function, or do not function properly, or are constructed in such a manner as to cause damage or pose a threat of damage of any nature or kind whatsoever, and, in the reasonable opinion of the Director, rectification or action is required to prevent damage or hardship to persons or property, the Owner shall, upon the written instructions of the Director, do all acts and things as are required by the Director to rectify the condition.

In the event the condition as aforesaid is an emergency, or immediate rectification is required, the City may take such action and do all such acts and things as are considered necessary and advisable in the place and stead of the Owner, and the Owner shall reimburse the City for any and all expenses incurred, whether directly or indirectly by the City, in connection with the same. It is understood and agreed between the parties hereto that any repair work carried out by the City under this clause shall not be deemed, for any purposes whatsoever, as acceptance or assumption of the said Public Services by the City.

#### f) ACCEPTANCE

When the Public Services are completed and cleaned to the satisfaction of the Consulting Engineer the Owner shall advise the Director in writing that the Public Services are completed and shall request an inspection by the City for the purposes of accepting the Public Services. The City shall carry out inspections and shall advise the Consulting Engineer of any items of work requiring further rectifications.

Prior to Acceptance, the Owner shall file with the Director the following:

- i) An electronic copy on a CD (AutoCad and pdf) as required and a full set of hard copy drawings showing "As-Built" information;
- ii) A letter of credit or cash deposit in the amount of 10% of the total cost of all Public Services to guarantee performance of the

completed Public Services;

- iii) A statutory declaration that all accounts for material, labour and equipment employed for installation of the Public Services are paid in full;
- iv) A certificate from the Consulting Engineer, certifying that the Public Services have been constructed in conformity with this Agreement and in accordance with the plans and specifications approved by the Director subject to any variation or amendment as approved in writing by the Director or his or her designate as the case may be, and that the rough grading of the Subdivision Land has been completed to provide the proper outlet for the major design storm, including completion of the stormwater management facility;
- v) A letter of credit or cash deposit in the amount of \$3000.00 per vacant Lot on which a dwelling has not been constructed to secure the completion of grading and landscaping on that Lot.

#### g) MAINTENANCE

The Owner COVENANTS AND AGREES to maintain and keep in a proper state of repair and operation all of the Public Services constructed, installed, or provided by the Owner for a period of one (1) year from the date of Acceptance by the City, with the exception of the top course of surface asphalt and final repairs and/or corrective measures to surface works which shall be subject to a minimum one year maintenance period.

#### h) ASSUMPTION

Upon completion of the one (1) year maintenance period set out in Section 1.g) above, the Public Services shall be eligible for Assumption by the City. Prior to submitting a request for the Assumption of the Public Services by the City, the Owner shall be required:

- i) to clean all sewers, manholes, and catchbasins to be free of road materials, building debris, and other foreign matter, and to clean such materials from the system, to provide a sewer video inspection, and to rectify any deficiencies the sewer video inspection may reveal;
- ii) to clean and remove any debris and earth deposits from all roadway pavement and the Land;

- iii) to rectify and repair all damages, settlements, or depressions to the above ground infrastructure including but not limited to curbs, water boxes, sidewalks, roadways, etc.;
- iv) to pay for the cost of installation of pavement markings;
- v) to repair grading problems associated with any Lot within the Plan of Subdivision on which a dwelling has been completed or, in the alternative, to secure such remediation by way of a \$3,000.00 deposit for each Lot on which there exist any such problems;
- vi) to rectify, clean out, and repair damages to the stormwater management facilities, and to assure the City these facilities are functioning in accordance with the approved stormwater management report and engineering drawings;
- vii) to comply with and pay all outstanding work orders that the City may have concerning emergency repairs; and
- viii) to make all plant material replacements pursuant to the conditions of the maintenance period.

#### i) CONDITIONS FOR ASSUMPTION OF PUBLIC SERVICES

The City COVENANTS AND AGREES that the assumption of the Public Services shall take place upon fulfillment of all of the conditions set out in Section 1.h) above to the satisfaction of the Director. In addition, the Director will be satisfied that the following have been received:

- 1) a certificate from the Consulting Engineer stating that all stormwater management facilities as required in the stormwater management report and as shown on the engineering drawings are constructed, are operational, and are functioning;
- 2) a certificate from an Ontario Land Surveyor certifying that he or she has confirmed the areas and frontage of all lots and blocks in the subdivision and has located or replaced all standard iron bars as shown on the registered plan, and has located or properly re-established all block corners, the beginnings and ends of all curves including all corner roundings and all points of change in direction of streets;
- 3) a certificate executed by the Consulting Engineer certifying that all

lots and blocks within the subdivision have been graded in accordance with the overall grading plan and that there are no drainage problems for which the Owner is responsible; and

- 4) confirmation from the City that any emergency repairs that may have been completed by the City have been paid for by the Owner.

#### j) ASSUMPTION BY-LAW

Upon the satisfaction of all of the conditions as aforesaid, the Director shall submit a written report to the City Council stating that the Public Services have been constructed and installed to municipal specifications, that all accounts in connection therewith have been paid, that all financial requirements have been met or will be met on the passing of the Assumption By-law and that the Public Services are in the required condition to be assumed. When all of the requirements of this section have been fulfilled, the City shall pass an Assumption By-law for the Public Services. Upon an Assumption By-law being passed, the ownership of the Public Services shall vest in the City, and the Owner shall have no claims or rights thereto other than those accruing to it as an owner of land abutting on public highways where the Public Services were constructed or installed.

No action of the City, by way of repair to Public Services, maintenance, use of or connection to Public Services, snow removal from roadways, operation of street lighting system or any other use or action shall be construed as assumption of the affected Public Services and no ownership shall vest with the City and no assumption shall be construed until the Assumption By-law is passed by City Council.

#### k) LIABILITY

Until assumption as provided for in Section 1.j) above, the Owner on behalf of themselves, their heirs, executors, administrators, assigns and successors in title, hereby covenant to indemnify and save harmless the said City from all actions, causes of actions, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the installation of any works required under this Agreement, or the failure of the Owner to complete the contemplated installation.



The Owner shall insure against all damages or claims for damage with an insurance company satisfactory to the Manager of Financial Services. Such policy (or policies) shall be provided to the City prior to the execution of this Agreement and be issued in the joint names of the Owner and the City, and the form and content shall be subject to the approval of the Manager of Financial Services. The insurance policy shall remain in the custody of the City during the life of this Agreement. The minimum limit of such policy shall be \$5,000,000.00 all inclusive, but the City shall have the right to set higher amounts.

The insurance policy shall be in effect for the period of this Agreement; including all guaranteed maintenance periods. The premiums for the insurance policy shall be paid promptly, and the Owner shall provide proof to the Manager of Financial Services upon request that the insurance policy is in full force and effect.

The insurance policy shall not be construed as relieving the Owner from responsibility for any other or larger claims in excess of such policy, if any, for which he or she may be held responsible.

## **2. CLEARANCE OF BUILDING LOTS**

The Owner further COVENANTS AND AGREES with the City that no Building Permits will be applied for or issued for detached dwelling or buildings or structures on any of the Lots and Blocks shown on Schedule "A" attached hereto until such time as water, sewage and drainage facilities and suitable granular road foundation have been installed and the Consulting Engineer certifies that such drainage facilities are operating in accordance with the conditions contained herein, in or on the roadway in front of the Lot, Lots or Blocks for which said Building Permit applies.

The City further COVENANTS AND AGREES with the Owner that no Building Permits will be issued for any Lot or Block shown on Schedule "A" attached hereto until the City has received payment of the Development Charges, as well as all other application fees applicable to such Lot or Block.

## **3. LAND FOR MUNICIPAL PURPOSES**

a) The Owner COVENANTS AND AGREES to convey to the City free of

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charge and free of all encumbrances such easements and Blocks as are set out in Schedule "B" hereto for the installation and maintenance of the Public Services installed by the Owner under provisions of this Agreement and for Municipal purposes in conjunction with the Registration of the Plan of Subdivision.

b) The Owner further COVENANTS AND AGREES not to convey, or agree to convey, any Land as shown on Schedule "A" hereto in which the City or Hydro One Networks Inc. is being conveyed an interest by way of easement, right-of-way or agreement, under the terms of this Agreement until such time as the City and Hydro One Networks Inc. have registered on title of the property through which an easement or right-of-way passes, the grant of easement or right-of-way. It is understood that no Building Permits will be issued on any Land as shown on Schedule "A" hereto until such time as the City Solicitor and Hydro One have certified that all necessary easements have been received in satisfactory form and have been registered and that the titles to such easements are free and clear of all encumbrances.

c) The Owner and the City further AGREE that the deeds for all the said Land as shown in Schedule "B" hereto have been approved by the City Solicitor and deposited with the City Clerk prior to the execution of this Agreement.

d) The Owner further COVENANTS AND AGREES that Land conveyed to the City for Municipal purposes will not be used for the disposal of debris obtained from the development of the Owner's Land herein developed, and the Owner further COVENANTS AND AGREES to restrain all others from depositing junk, debris and refuse on the Land conveyed to the City under Schedule "B" of this Agreement and further COVENANTS AND AGREES to remove any such junk, debris or refuse so deposited immediately when so directed by the City and at his own expense.

e) The parties agree that, in the event the required easements, right-of-ways, or other Land as required pursuant to this Agreement have not been properly provided, the City, in addition to any other remedies available to it, may expropriate such easements, right-of-ways, or Land, and the costs of such expropriation shall be at the expense of the Owner.

f) The City AGREES to complete the registration of all such easements, as

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well as this Agreement, within ten (10) days of the date of Registration of the Plan of Subdivision, failing which the Owner is hereby authorized to complete such registration on the City's behalf.

g) The Owner AGREES to grant, at his expense, such further easements and right-of-ways as may be required for the installation and supply of the Public Services, including those easements and right-of-ways which the Director may establish as necessary during construction and prior to Assumption, and any such additional easements and right-of-ways shall thereafter be deemed to have been set out in Schedule "B".

#### **4. LAND TO BE RETAINED BY THE OWNER**

The Owner AGREES to provide the complete legal description of all land shown as "Other lands owned by the Applicant" as shown on the key map of the Draft Plan of Subdivision.

#### **5. LOT GRADING**

a) The Owner AGREES with the City that all Lots will be graded in accordance with the Lot Grading Plan on file with the City and identified as Schedule "E", and in the manner described in Schedule "C" hereto and topsoil will be replaced in accordance with Section 16 of this Agreement hereof and further that prior to the placing of topsoil on any of the Land herein the Owner will arrange for an inspection of and receive the approval of the lot grading by the Consulting Engineer.

b) The Owner AGREES to place in the deed, transfer or conveyance for every Lot a restrictive covenant in favour of the remaining land affected by this Agreement that the purchaser or transferee will not alter the drainage on the land in any way as to adversely affect the drainage pattern established by the Lot Grading Plan as amended and approved by the City. That restrictive covenant shall run with the land and shall state that the Owner will not do, or cause to be done, any activity that alters the drainage on the land including, but not limited to, constructing a building or structure without the approval of the City's Engineering and Corporate Assets Department, placing fill, planting trees, or landscaping.

c) The Owner AGREES that Schedule "E", Plan of Lot Grading, will only be altered or amended to resolve unusual or unforeseen circumstances giving rise

to hardship and only after having received the written approval of the Director; and that he or she shall maintain such grading in accordance with the Lot Grading Plan or the Lot Grading Plan as amended except for such temporary deviations as are necessary for the purpose of constructing any building or structure which may be lawfully erected thereon. The Owner further AGREES that should any unforeseen or unusual circumstance arise which was not properly taken into account by the Owner's Consulting Engineer in the development of the Lot Grading Plan and which, in the opinion of the Director, requires the construction of additional drainage or appurtenant works, the Owner shall construct such additional works when so directed by the Director and at the Owner's sole cost. The Owner will provide an "As-Built" Lot Grading Plan reflecting all alterations, additions, and amendments.

d) It is AGREED that any deposit monies provided by the Owner to the City pursuant to the provisions of Subsections 1.f)(v) and/or 1.h)(v) hereof shall be in addition to all other financial requirements of the Owner. Upon the subsequent and satisfactory completion of lot grading on any such Lot or Block, the deposit of \$3,000.00 applicable to said Lot or Block shall be refunded by the City to the Owner. In the event that the lot grading has not been undertaken on a Lot or Block on which construction of a dwelling has been completed, the City shall be entitled, in its absolute discretion, albeit only after having first afforded the Owner an opportunity to undertake and complete the grading, to apply the deposit monies to complete the grading on said Lot.

e) The Owner and City AGREE that no Building Permit will be issued for any Lot unless a site and grading plan has been submitted in conjunction with the corresponding Building Permit application. The site and grading plan shall show:

- i) the dimensioned property limits of the Lot or Block;
- ii) the proposed location of the dwelling and/or detached accessory buildings and/or structures to be located on the Lot or Block;
- iii) the proposed lowest basement floor elevation and proposed lowest opening and proposed finished floor grades of the dwelling;
- iv) the proposed finished Lot or Block grades;
- v) the existing and proposed lot grades for each of the corners of the Lot or Block and intermediate points of grade change; and

- vi) the finished road grades adjacent to the Lot or Block.

Such site and grading plans shall have been approved by the Consulting Engineer, and shall contain a certificate by the Consulting Engineer which shall certify the following:

- vii) that the said site and grading plan is in conformity with the approved Lot Grading Plan included in Schedule "E" of this Agreement and with the road grades as shown on the approved Plans and Specifications approved by the Director;
  - viii) that the Consulting Engineer has examined the plans and drawings for the proposed dwelling to be erected on the Lot or Block; and -
  - ix) that the siting of the proposed dwelling and/or detached accessory buildings and/or structures as shown on the site and grading plan accurately reflects the proposed buildings as shown on the plans and drawings for which a Building Permit has been applied.
- f) The Owner AGREES that the services of the Consulting Engineer will be retained for the purposes of preparing an as-built Lot Grading Plan for each Lot and Block. The Owner further AGREES to have the Consulting Engineer review the as-built Lot Grading Plan and issue a Certificate in accordance with Section 5.e).
- ~~g) The Owner of any Lot with a sewage system AGREES that it shall be his responsibility to maintain the sewage system envelope for the Lot or Block as identified on the plan, free of the deposit, disposal, or operation of any materials, structures or equipment, other than material or equipment required for the construction of the leaching bed within the sewage system envelope.~~
- ~~h) The Owner AGREES that for all Lots requiring the installation of a sewage system, that notice be given prior to or at the time of application for a Building Permit, to the satisfaction of the City of Kawartha Lakes Sewage System Inspector in accordance with the Ontario Building Code made under the Building Code Act, as amended or revised from time to time.~~

## **6. PAYMENT OF TAXES**

- a) The Owner AGREES to pay all arrears of taxes outstanding against the property herein described before execution of this Agreement by the City.

b) The Owner further UNDERTAKES AND AGREES to pay all taxes levied, or to be levied, on the said Land on the basis and in accordance with assessment and collector's roll entries until such time as the Land herein being developed has been assessed and entered on the collector's roll. Notwithstanding the foregoing, nothing contained herein shall prevent the Owner from appealing such taxes or exercising any other rights of appeal it may have at law.

## **7. COMMUTATION OF LOCAL IMPROVEMENTS**

The Owner AGREES to commute and pay all charges with respect to existing local improvements assessed against the property on the said Plan of Subdivision. Such payments are to be made by the Owner before the issuance of a Building Permit.

## **8. DEFAULT**

a) The Owner shall be in default of this Agreement if the Owner fails to install the Public Services in compliance with the approved drawings and within the time schedule agreed upon, or if the Owner:

- i) is not diligently completing the Public Services within the specified time, and/or;
- ii) neglects or abandons the Public Services prior to completion, and/or;
- iii) has caused unreasonable delays so that this Agreement is not being complied with or is carelessly executed, and/or;
- iv) is refusing to renew or complete such Public Services as may be directed as defective or unsuitable, and/or;
- v) is not constructing the Public Services in compliance with the Director's approved drawings and conditions.
- vi) otherwise defaults in its obligations set out in performance in accordance with this Agreement.

b) In the event that the City judges the Owner to be in default as hereinbefore provided, the City shall notify the Owner of the particulars of such default by registered mail and shall specify the time within which such default shall be remedied.

c) In the event that the Owner fails to remedy the default within the time specified, the City shall thereafter have full authority and power to stop all Public Services and if the City so elects, it may purchase such materials, tools and machinery and employ such workers or contractors as in the opinion of the Director, are necessary to complete the Public Services. The City shall be entitled to realize on its security without further notice to the Owner in order to provide funds for payment of any Public Services undertaken by the City.

d) If the cost of any work performed by the City exceeds the realizable value of the security available to the City, then the Owner shall, within 30 days of written demand by the City, reimburse the City for such excess expenses and administrative costs. If it is not paid within 30 days of the demand, such unpaid balance shall bear interest at the rate determined by the Treasurer and may be applied as a charge on the Land.

e) Unless the remedy of the default is in the nature of an emergency, the notice of default provided-for above shall allow the Owner at least ten (10) business days to cure the default before the City may act on the Owner's behalf and use any remedies set out in this Section 8 or elsewhere in this Agreement.

## **9. FINANCIAL ARRANGEMENTS**

The Owner UNDERTAKES AND AGREES to the following financial arrangements with respect to the performance of the within Agreement:

a) The Owner shall provide the City at its own expense at the time of execution of this Agreement, an irrevocable letter of credit and/or security (herein referred to as "the security") in the amount of 100% required by the City to guarantee and secure the due performance by the Owner of all of the obligations imposed upon the Owner by this Agreement and as outlined in Schedule "D", including, without limiting the generality of the foregoing, the performance of the work and development, including engineering and legal expenses incurred by the City in connection with the administration and enforcement of this Agreement. The estimated cost of these works and Public Services is set out in Schedule "D" hereto.

b) The aforesaid security shall be in a form approved by the City's Treasurer

and the Owner COVENANTS AND AGREES that the said security shall be kept in full force and effect and that he or she will pay all premiums as the same come due until such time as the City accepts the said Public Services as hereinbefore provided at which time the said security shall be reduced in accordance with Section 1.f) above and returned to the Owner. The aforesaid security shall also contain the following provisions:

- i) The security shall be for any obligations of the Owner pursuant to the provisions of this Agreement, without limitations whatsoever and shall include H.S.T.;
  - ii) Drawings on the security shall be permitted upon the City claiming default by the Owner under the terms of this Agreement, and certifying that the notice provided for under Section 8 hereof has been given, and such default shall not be limited to the actions of the Owner;
  - iii) Partial drawings on the security shall be permitted;
  - iv) If the security is in the form of a letter of credit and is not renewed at least thirty (30) days prior to the date of expiry by an irrevocable letter of renewal or replacement letter of credit in such form and on such terms acceptable to the City's Treasurer, the City may be permitted to draw on up to 100% of the letter of credit on or before the date of expiry.
- c) While at all times being subject to the discretion of the City, the calculation of the amount of any reductions on the security held pursuant to Schedule "D" to reflect the value of work already completed by the Owner shall generally be as follows:
- i) Calculate 10% of the estimated cost of the completed works as inspected and agreed to by the City;
  - ii) Add thereto the estimated value of the uncompleted work;
  - iii) Add to that subtotal an allowance for contingencies (5%) and engineering and inspection (7%).
  - iv) The resultant amount including H.S.T. shall be the revised amount of security required to be held pursuant to Schedule "D".



- v) At no time can the amount of security be reduced to below the actual amount required to secure the completion of the Public Services.

Provided, however, there shall be no reduction in the security unless the City has received a current statutory declaration that the completed work has been paid for in full and there are no claims outstanding or being made with respect to the Services or completed work, whether pursuant to the Construction Lien Act, R.S.O. 1990, c. C.30, as amended (the "Construction Lien Act") or otherwise.

d) It is understood and agreed that the filing of a lien or delivery of a claim for a lien to the City Clerk under the Construction Lien Act constitutes a default under this Agreement, and upon receipt of any lien, claim or notice under the Construction Lien Act, it is agreed that the City may use the security for payment into court of any amount required by the provisions of the Construction Lien Act, providing the Owner is unable to remove the lien within twenty-one (21) business days of receiving notification.

e) Where there has been a default by the Owner with respect to any provisions of this Agreement and the City has taken steps on its own to remedy such default, after providing the Owner with notice of such default and a reasonable opportunity to cure such default, any such steps shall be done at the expense of the Owner and, to the extent such work is not capable of being reimbursed through drawing on the letter of credit, shall be recovered as provided in Section 446 of the *Municipal Act*, 2001 R.S.O.2001 c.28, as amended.

f) Prior to the execution of this Agreement by the City, the Owner shall have paid to the City the Engineering Fee herein provided and the City's reasonable legal expenses and planning staff expenses incurred by the City in connection with the preparation, administration and enforcement of this Agreement.

Said Engineering Fee, intended to reimburse the City for the expenses incurred by it in processing the post-draft-plan-approval development of the subdivision, shall be in the amount of 3.7% of the estimated construction value of the Public Services created relative to the subdivision as laid out in Schedule "D" (exclusive of H.S.T.). Inter alia, the above mentioned fee includes all services

provided by the City in relation to approval of the grading on individual Lots and Blocks created by the proposal. The collection of all of the aforementioned Fees shall be in accordance with By-Law 2007-132, as amended.

g) Prior to the execution of this Agreement by the City, the Owner shall have paid Development Charges in accordance with applicable By-law 2015-224, as amended or replaced from time to time, and Development Charge Deferral Policy as per Report ENG2016-027, Appendix B as per Council Resolution 2016-796.

For this Agreement for the development of the proposed subdivision, the Development Charge Deferral Program provides for the following:

- Deferral to Building Permit Issuance – Development Charge payments in respect of development approved under an agreement are due upon building permit issuance for the development, subject to a maximum 3-year period of deferral from time of the registration of the agreement.
- Deferral to Occupancy – Development Charge payments in respect of each dwelling unit approved under an agreement are due upon occupancy of the dwelling unit, subject to a maximum 3-year period of deferral from the time of the registration of the agreement.

The calculation of the Development Charges payable prior to the execution of this Agreement, for 2018 is as follows:

Residential Dwelling Type	Single-detached dwellings & semi-detached dwellings	Apartments 2 bedroom and larger	Apartments bachelor & 1 bedroom	Multiple units	Total
Proposed Number of Dwelling Units	19	--	--	--	19

Development Charge per Dwelling Unit for Roads and Related	\$5,051.00	--	--	--	\$95,969.00
Development Charge per Dwelling Unit for Water Treatment	\$2,363.00	--	--	--	\$44,897.00
Development Charge per Dwelling Unit for Water Distribution	\$2,863.00				\$54,397.00
Development Charge per Dwelling Unit for Sewage Treatment	\$1,658.00				\$31,502.00
Development Charge per Dwelling Unit for Sewage Collection	\$5,538.00				\$105,222.00
Total Development Charges Payable at Time of Subdivision Agreement	\$17,473.00	--	--	--	\$331,987.00

Development Charges for all other services are payable at the time of issuance of Building Permit, in accordance with the provisions of the Development Charges By-law then in effect.

The Owner has confirmed the option that all payments of Development Charges for 19 single family lots will be deferred to the time of **Occupancy**, in accordance with the provisions of the Development Charges By-Law then in effect.

## **10. NOTIFICATION**

a) If any notice is required to be given by the City to the Owner with respect to this Agreement, such notice shall be mailed or delivered to:

**Name** Lakes Terminals & Warehousing Ltd.  
**Address** c/o Mr. Bill Ulicki  
Romspen  
162 Cumberland Street, Suite 300  
Ontario M5R 3N5  
**Phone:**  
**Email:** BillUlicki@romspen.com

or such other address as the Owner has notified the City Clerk in writing, and any such notice mailed or delivered shall be deemed good and sufficient notice under the terms of this Agreement.

b) Prior to commencement of any construction of Public Services covered under this Agreement, the Owner shall notify the Director two (2) business days in advance, and no construction of Public Services shall be carried out without such notification.

## **11. NOTIFICATION OF SERVICES**

The Owner AGREES to notify, or cause to be notified, each and every purchaser of a Lot or Block within the said Subdivision of all Public Services provided for such purchaser and where the said purchaser pays directly any portion of the cost thereof, the cost of such Public Services and the share thereof to be paid by such purchaser, and cause such information to be fully recorded in

any offer or agreement to purchase any Lot or Block entered into by any such purchaser.

Each Agreement of Purchase and Sale for a Lot in the said Subdivision shall include the provisions contained in the following Sections of this Agreement, namely: 5, 11, 23, 35, and Schedule 'G'.

## **12. HYDROGEOLOGICAL REPORT**

The Owner hereby AGREES that the recommendations contained in the said Hydrogeological Report on file with the City shall be implemented and certified by a qualified hydrogeologist to the satisfaction of the City prior to the issuance of any building permits.

## **13. EMERGENCY ACCESS ROUTE / WALKWAY**

The Owner AGREES to identify any emergency access route or walkway on Schedule "A-1".

## **14. CONSTRUCTION ACCESS**

The Owner AGREES that all construction access to the site shall only be from Dunn Street. The construction access route must be clearly signed to the satisfaction of the City.

## **15. ZONING**

The Owner AGREES that the Land shown on Schedule "A" hereto shall be governed by the provisions of By-law 16-78, as amended which provides the following zoning:

LOT OR BLOCK	ZONE
Lots 1 to 19, inclusive Blocks 20 to 23, inclusive	R1 – S13

## **16. CONSTRUCTION & SOIL USE**

Notwithstanding any other requirements of this Agreement, the Owner AGREES:

- a) That all streets abutting on the Land to be included in this Agreement

and to be used for access during the construction of the dwellings or other buildings on the Plan shall be kept in good and usable condition during the said construction and, if damaged, will be restored immediately and all trucks making delivery to or taking materials from the Land in the said Plan shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish or debris on the said streets abutting. The Consulting Engineer shall prepare a written engineering appraisal of all streets abutting the Land to be developed to establish the condition of the streets prior to any construction. The appraisal shall be submitted to the City for review. The City will confirm that the appraisal shall form the basis of subsequent reassessment of the condition of the street during or after the construction period. If an objection is filed by the Owner, an independent assessment by an engineer appointed upon mutual consent of the City and the Owner shall form the basis of comparison.

b) That all topsoil removed from the Land, shown on Schedule "A-1" attached hereto, shall be stockpiled and as each building is completed the topsoil so stockpiled shall be placed around the grounds of each building to minimum consolidated depth of 150mm and shall include all surfaces not covered by buildings, driveways or pavement.

c) That the Owner is solely responsible for ensuring that sufficient topsoil is available for all Lots to comply with the requirements of this Agreement.

d) The Owner shall direct his employees, contractors, and agents to restrict construction traffic to such street and at such times as the Director directs.

#### **17. REGISTERED PLAN**

The Owner AGREES to supply a "mylar" copy of Registered Plan 57M-\_\_\_\_\_ to the Director immediately following registration.

#### **18. UTILITY COORDINATION**

The Owner AGREES to coordinate the design for the installation of utility plans within the Plan of Subdivision and has produced a Composite Utility Plan (Schedule "H") to the satisfaction of the City's Engineering and Corporate Assets Department and the necessary utility authorities prior to the issuance of any Building Permits within the Plan of Subdivision. The Composite Utility Plan shall

contain the plans required for the installation of primary and secondary electricity, telecommunication, street lighting, and/or gas services as available.

## **19. AGREEMENT WITH HYDRO ONE NETWORKS INC.**

The Owner shall enter into an Agreement for Electrical Servicing with Hydro One Networks Inc. This Servicing Agreement will specify all the terms, conditions, and financial obligations to facilitate the extension of electrical servicing to the Land. Hydro One Networks Inc. may as part of its Electrical System Servicing Agreement, require a type of Development Charge or Systems Capital Contribution Fee towards the provision of system(s) capacities expansion outside of the Plan of Subdivision but necessary to ensure the integrity of the company's power distribution grid. The relocation of any pole and/or anchor shall be paid for by the Owner.

The Owner AGREES that a Multi-Service connection Agreement must be entered into with Hydro One that is satisfactory to Hydro One and the City. The Owner further AGREES there will be no expense or obligation to the City in the Multi-Service Connection Agreement.

The Owner AGREES to pay the City's portion of the costs to be incurred to install underground Hydro.

The City has required that all primary and secondary electrical services for the Plan of Subdivision be designed and installed underground.

The Owner and/or Builder Permit Holder AGREES to install underground electrical services and to the specifications of Hydro One Networks Inc. to install all secondary electrical services from the street to each individual residence within the Plan of Subdivision.

The Owner AGREES to provide to the City a copy of the Hydro One Networks Inc. agreement and reference plans.

## **20. STREETScape PLAN**

The Owner COVENANTS AND AGREES to:

- a) install trees within the rights of way of all streets to be dedicated to the City in accordance with the approved landscape plan;
- b) provide security in an amount shown in Schedule D to the City to ensure compliance with the street tree planting requirements for this Agreement;
- c) plant trees having a minimum caliper of sixty millimeters (60mm); and
- d) coordinate the approved landscape plan with the approved utility plan.

## **21. WINTER MAINTENANCE AND WASTE COLLECTION**

- a) The Owner covenants and agrees to snowplow and sand all roads in the Plan of Subdivision until the issuance of the first final occupancy permit.
- b) The Owner and City covenant and agree that the City shall pick up the residential waste from the occupied dwelling units, in accordance with By-Law 2007-024, as amended, only after the issuance of the first final occupancy permit.

## **22. MODEL HOME**

- a) Notwithstanding the provisions of this Agreement to the contrary, prior to the registration of the final plan of subdivision the Owner may erect one (1) detached dwelling on the Land on a proposed Lot approved by the City.
- b) The Owner COVENANTS AND AGREES that he or his agent/builder/contractor will submit to the Chief Building Official of the City, a Site Plan and such other plans and drawings as the City deems necessary for the development of the Model Home area for approval of the Director, which approval must be obtained prior to the commencement of any work or construction hereunder and as a prerequisite to the issuance of the Building Permit with respect to the said Lot. Approval shall relate to the lot grading, drainage and landscaping as well as all other matters which the Owner proposes to install, construct or erect on the said Lot.
- c) The Owner COVENANTS AND AGREES to provide in accordance with the Site Plan to the satisfaction of and at no expense to the City, the following:
  - i) off-street granular parking facilities detailed in the Model Home Plan



and access driveway;

- ii) facilities for the lighting of the said Lot and the building or structure to be erected thereon;
  - iii) walls, fences, hedges, shrubs, and sod for the landscaping of the said Lot or for the protection of adjoining land;
  - iv) facilities for the construction, maintenance or improvement of water courses, ditches, and drainage works in connection with the development of the said Lot; and
  - v) grading and alteration in elevation or contour of the said Lot and provision for the disposal of storm, surface and waste water from the said Lot and from any building or structure to be erected, placed or constructed on the said Lot, to the satisfaction of the Director.
- d) The Owner COVENANTS AND AGREES that he or his agent/builder/contractor will complete at its sole risk and expense the facilities and works referred to in Section 22.c) as well as those facilities and works referred to in the Site Plan.
- e) The Owner COVENANTS AND AGREES that no building or structure or erection built, constructed or erected on any Lot as a model home shall be occupied, save and except that the building may be occupied for the sole purpose of an office to promote the sale of detached dwellings in the Plan of Subdivision as described in this Agreement.

### **23. TRILLIUM LAKELANDS DISTRICT SCHOOL BOARD**

All Agreements of Purchase and Sale for all Lots governed by this Agreement shall provide notice that pupils who reside in this Subdivision and attend public elementary and/or secondary schools may be required to be transported to schools, and that, if transportation to schools is necessary, the pupils who reside in this Subdivision will meet the school bus on roads now in existence or at another designated place convenient to the Trillium Lakelands District School Board.

### **24. FIRE DEPARTMENT REQUIREMENTS**

a) The Owner AGREES to provide notification to any Purchaser/Grantee that no burning of brush or construction debris will be permitted without the prior written approval of the Fire Department, and further AGREES that it will itself comply with this policy.

b) The Owner and City AGREE that Building Permits will be restricted to provide for a fire break every six (6) Lots until external finishing, cladding, roofing and windows on each unit abutting each side Lot line has been completed, unless otherwise approved by the Fire Chief of the City.

c) The Owner further AGREES that street signs shall be erected that are painted and clearly legible as approved by the City, fastened securely to a post at least 2.1 metres above ground level at all street intersections and maintained until permanent signs are erected. These signs shall be erected upon completion of the road base and/or curbing.

## **25. BELL CANADA REQUIREMENTS**

a) Prior to the issuance of Building Permits, the Owner AGREES that Bell Canada shall confirm to the City, that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this Plan of Subdivision which are required to be installed underground.

b) The Owner further AGREES to grant Bell Canada any easements that may be required for telecommunication services.

c) The Owner further AGREES that if there are any conflicts with existing Bell Canada facilities or easements, the Owner shall be responsible for re-arrangements or relocation.

## **26. ENBRIDGE CONSUMERS GAS REQUIREMENTS**

The Owner shall grade all boulevards to final pre-topsoil subgrade prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas.

## **27. ARCHAEOLOGICAL FINDS**

The Owner AGREES that it, or its agents, builders or contractors shall

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immediately cease work and notify the Ministry of Culture, Archaeology and Heritage Planning Unit, of any discovery of any archaeological resources, including but not limited to artifacts or burials, during development and housing construction.

The Owner further AGREES that if during construction any archaeological or cultural heritage resources (including human remains) are found, that all work shall cease and the Ministry of Culture be notified and only commenced with the Ministry's concurrence.

## **28. STORMWATER MANAGEMENT**

a) The Owner AGREES to implement the requirements incorporated in the Draft Plan Conditions attached as Schedule "F" and any reports submitted to Kawartha Region Conservation Authority and the City pertaining to:

- i) pre and post development run-off flows and the intended means of conveying stormwater flow from each Lot and the entire proposed Plan of Subdivision;
- ii) the anticipated impact of the Plan of Subdivision on water quality, as it relates to fish and fish habitat once adequate protective measures have been taken;
- iii) the means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction;
- iv) the site soil conditions, including grain size distribution profiles;
- v) a site grading plan.

b) The Owner AGREES to erect and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to Kawartha Region Conservation Authority and the City.

c) Prior to the execution of this Agreement, the Owner AGREES to confirm to the City that Kawartha Region Conservation Authority has reviewed and approved the stormwater management report and plan, erosion and sedimentation plan, and final Lot Grading Plans as required under this Section.

**29. a) UPGRADES TO EXISTING STORM SEWER**

***Not applicable.***

**b) UPGRADES TO EXISTING SANITARY SEWER**

***Not applicable.***

**30. OTHER UPGRADES**

***Not applicable.***

**31. PARKLAND CONTRIBUTION OR CASH-IN-LIEU**

The Owner COVENANTS and AGREES that prior to the execution of this Agreement by the City, the Owner shall have paid to the City cash-in-lieu of the dedication of parkland equal to 5% of the appraised value of the Land. Such value shall be determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before draft plan approval was given by the City or the most recent extension of such draft plan approval by the Director of Development Services or his designate. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Said amount is (\$24,000.00) based on the appraisal of the entire draft approved plan for Phase 1 dated January 16, 2017.

**32. SCHEDULES**

The City and the Owner agree that the following Schedules shall form part of this Agreement:

- Schedule "A" – Description of Land (attached)
- Schedule "A-1" – Engineering Drawings (Complete Set & Electronic CD)  
To be on file with the City of Kawartha Lakes
- Schedule "B" – Land for Municipal Purposes (attached)
- Schedule "B-1" – Plan of Easements
- Schedule "C" – Specifications and Standards (attached)
- Schedule "D" – Summary of Estimated Costs (attached)
- Schedule "E" – Lot Grading Plan (on file with City)
- Schedule "F" – Conditions of Draft Plan Approval (attached)
- Schedule "G" – Special Warnings and Notices (attached)
- Schedule "H" – Composite Utility Plan (on file with the City)

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**33. LOCAL SERVICE AND LOCAL CONNECTION CHARGE WHERE MUNICIPAL URBAN SERVICES EXIST**

The Owner acknowledges and confirms that all charges, payments, works to be constructed or installed, studies to be carried out and all other obligations contained in this Agreement or the cost thereof are characterized as:

- a) local services installed at the expense of the Owner within the Plan of Subdivision as a condition of the approval under Section 51 of the Planning Act;
- b) local connections to watermains, sanitary sewers and storm drainage facilities installed at the expense of the Owner; and are not related to development within the meaning of the Development Charges Act.

**34. BUFFER AND FENCING REQUIREMENTS**

If applicable, the Owner AGREES to install privacy and noise attenuation fencing in accordance with the requirements of Schedule "C", Section 12.

**35. CANADA POST REQUIREMENTS**

The Owner COVENANTS AND AGREES to provide the City with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMBs) as required by Canada Post Corporation and in accordance with the requirements of Schedule "C" Section 14 at the time of sidewalk and/or curb installation. The Owner further covenants and agrees to notify prospective purchasers of locations of CMBs in accordance with Schedule "G" Item 1l) and that home/business mail delivery will be provided via CMB, provided the Owner has paid for the activation and equipment installation of the CMBs.

**36. MINISTRY OF TRANSPORTATION REQUIREMENTS**

*Not applicable.*

**37. MINISTRY OF NATURAL RESOURCES REQUIREMENTS**

*Specific requirements as applicable to the plan are to be inserted.*

**38. MINISTRY OF THE ENVIRONMENT AND CLIMATE CHANGE**

The Owner shall comply with all requirements of Ministry of the Environment and Climate Change Certificate of Approval Municipal Drinking

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Water Systems Number 2161-66UPWC, December 7 2004, Certificate of Approval Municipal and Private Sewage Works Number 2117-66UPUU, December 7 2004, and Environmental Compliance Approval Number 2758-AQ2K6F, issued September 5, 2017 as amended, for the sewers and stormwater management facilities.

**39. SUBORDINATION**

The Owner shall be required to provide the postponement or subordination of any existing mortgage or charge holder prior to the registration of this Agreement.

#### **40. MISCELLANEOUS**

- a) Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words “at the expense of the Owner” unless the Agreement specifies otherwise.
- b) The City and Owner AGREE that they shall perform all of their respective obligations under this Agreement in an expeditious manner, which obligations include those set out in the Schedules attached hereto.
- c) In the event that a Court determines that any provision of this Agreement, including any provisions set out in the Schedules attached to this Agreement is void or unenforceable:
  - i) such provision shall be deemed severed from the Agreement and the balance of the Agreement and its Schedules shall continue in full force and effect; and
  - ii) the parties shall provide and perform such further assurances as are necessary to ensure the implementation of those provisions deemed severed.
- d) The parties agree and acknowledge that the City has the authority and jurisdiction to enter into, perform and enforce the provisions of the Agreement, including its Schedules.
- e) It is hereby agreed and declared that where in this Agreement the context or required, words in the singular include the plural, words in the plural include the singular, and words importing the masculine gender include the feminine and neutral gender.

#### **41. REGISTRATION OF AGREEMENT**

a) The Owner and the City hereby AGREE that this Agreement and the Schedules hereto shall be registered upon the title of the Land affected by this Agreement, such registration shall be at the expense of the Owner. The Owner acknowledges that the City, in addition to any other remedy it may have at law, shall also be entitled to enforce this Agreement in accordance with s. 442 of the *Municipal Act, 2001*.

b) In the event that the Plan of Subdivision has not been registered within one (1) year from the date of this Agreement, the City may, at its option, on one (1) month's notice to the Owner, declare this Agreement to be null and void,



whereupon the Owner declares that he or she will not register the Plan of Subdivision or make any improvements upon the Land and the proposed Plan of Subdivision until a new Agreement has been executed by the parties.

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**42. IT IS DECLARED AND AGREED** that this Agreement and the covenants, provisions, conditions and Schedules herein contained shall inure to the benefit of and be binding upon the respective heirs, executors, administrators, successors or assigns of each of the parties hereto. "Owner" where used in this Agreement, and in addition to its accepted meaning, shall mean and include an individual, an association, a partnership, or an incorporated company, and wherever the singular is used herein, it shall be construed as including the plural.

IN WITNESS WHEREOF the Corporate Seal of the City and of the Owner is hereunto affixed under the hands of its proper officers in that behalf.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

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Andy Letham, MAYOR

---

Cathie Ritchie, CITY CLERK

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Lakes Terminals & Warehousing Ltd. :

Title:

*I have the authority to bind the Corporation.*

## **SCHEDULE “A”**

### **DESCRIPTION of the LAND**

Parcel Block W-1, Plan 70-BOB, Part of Blocks W and X on Registered Plan 70 (formerly Registered Plan 29) designated as Part 1 on Plan 57R-6468, former Geographic area of Bobcaygeon, in the City of Kawartha Lakes

**More particularly described as Lots 1 to 19, both inclusive, and Blocks 20 to 23, both inclusive, Plan 57M-\_\_\_\_\_, City of Kawartha Lakes.**

## **SCHEDULE “A-1”**

### **ENGINEERING DRAWINGS**

(Must include the complete drawing set in both hardcopy and digital formats)

***The following drawings listed hereafter and prepared by the Engineer shall constitute part of this Agreement and are on file with the City and identified as forming Schedule A-1 by the signatures of the Owner and the City.***

***Drawings prepared by D.M. Wills Associates Limited  
Project No. 03-1732, Dated November 2016***

Drawing No. 1: General Above and Underground Services “Schedule A”  
Drawing No. 3: Grading Control Plan (South) “Schedule B”  
Drawing No. 5: Plan and Profile – Sedona Court  
Drawing No. 8: Plan and Profile – Servicing Easements  
Drawing No. 9: Plan and Profile – Dunn Street  
Drawing No. 10 and 11: Details, Notes and OPSD  
Drawing No. 12: Pond Details  
Drawing No. 13: Sanitary Drainage Plan  
Drawing No. 14: Storm Drainage Plan  
Drawing No. 15: Erosion and Sediment Control Plan  
Drawing No. 16: Furniture & Composite Utility Plan (South) “Schedule H”

***Drawings prepared by Basterfield & Associates  
Project No. 16-30, Dated December 2016***

Drawing L1: Planting Plan  
Drawing L2: Street Tree Planting Plan Phase 1

## **SCHEDULE “B”**

### **LAND FOR MUNICIPAL PURPOSES**

**1. EASEMENTS FOR GENERAL MUNICIPAL PURPOSES**

Not Applicable

**2. EASEMENTS FOR UTILITY PURPOSES**

The Owner shall grant such easements as may be required for utility purposes to the appropriate authority.

**3. PUBLIC HIGHWAYS**

The streets to be constructed in this development shall be conveyed and dedicated to the City of Kawartha Lakes for public highway purposes at no cost to the City and free of all liens and encumbrances.

**4. 0.3 METRE RESERVES**

The Owner shall convey Block(s) 23, inclusive, as shown on Plan 57M-\_\_\_\_ (16T-06505) to the City for the purpose of a 0.3 m reserve.

**5. STORMWATER MANAGEMENT FACILITIES**

The Owner shall construct the stormwater management facility for the Plan of Subdivision on Block(s) 20 of Plan 57M-\_\_\_\_ and shall convey Block(s) 20 of Plan 57M-\_\_\_\_ to the City.

**6. PARKLAND**

Not Applicable

**7. MUNICIPAL SERVICING**

The Owner shall convey Block(s) 21 and 22 of Plan 57M-\_\_\_\_ to the City for Municipal Services.

**SCHEDULE “B-1”**

**PLAN OF EASEMENTS**

**Not Applicable**

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## **SCHEDULE "C"**

### **SPECIFICATIONS AND STANDARDS**

#### **1. General**

Public Services shall be constructed in accordance with the specifications and standards of the City of Kawartha Lakes as amended from time to time and the most recent editions of the Ontario Provincial Standard Specifications and Ontario Provincial Standard Drawings adopted as specifications and standards of the City of Kawartha Lakes.

#### **2. Roadways**

Roadways shall be designed in accordance with design data and criteria of the Ministry of Transportation as revised from time to time.

Roadways shall be constructed in the locations and to the widths and grades indicated within Schedules "A-1" and "E" and set out in Schedule "D" attached hereto.

- i) Excavation
- ii) Grading
- iii) Subgrade compacted to 95% standard proctor density;
- iv) 300mm minimum compacted depth of Granular "B", Type II;
- v) 150mm minimum compacted depth of crushed gravel, Granular "A";
- vi) Subdrains
- vii) Boulevards
- viii) Hot Mix Asphalt Pavement: 50 mm compacted depth of hot-mix, hot laid base course asphalt, HL-8 course mix and 40 mm compacted depth of hot-mix, hot laid base course asphalt, HL-4. The thickness of asphalt shall represent compacted depths.

The Owner shall, maintain the roadways in a usable condition for vehicular traffic until such time as the roadways have been assumed by the City. The Owner shall repair the roadway within twenty-four (24) hours of receiving notice or of his Consulting Engineer receiving notice to do so from the Director.

Immediately prior to the construction of the final gravel course and the surface treatment, the previously constructed gravel course shall be inspected by the Director and where, in the opinion of the Director, the surface has become contaminated, the Owner shall remove all such contaminated areas and replace with acceptable material, all at no cost to the City.

### **3. Curbs and Gutters and Sidewalks**

Concrete curb and gutter shall be constructed in accordance with the OPSS - 353. Curb and gutter shall be constructed on both sides of all streets. The type of curb and gutter to be installed shall be as follows:

i) Concrete barrier curb with standard gutter (two stage construction) shall be constructed in accordance with OPSD 600.070 as determined by the City; and

Curb and gutter terminations shall be constructed in accordance with the OPSD 608.010.

Sidewalks shall be constructed in all locations as indicated on the Engineering Drawings and as set out in Schedule "D" attached hereto and in accordance with OPSS - 351.

Ramps shall be constructed at all intersecting streets and where public walkways intersect a street.

### **4. Watermains**

Watermains, including valves, valve boxes, hydrants etc. shall be installed in accordance with the Ministry of the Environment's *Design Guidelines for Drinking-Water Systems* to which the Certificate of Approval was subject and in the location indicated on Schedule "A-1" and shall be of such size as required by the Director as set out in Schedule "D" hereto.

### **5. Sanitary Sewers**

a) Sanitary sewers of a size approved by the Director shall be installed on all streets and easements, etc., as required to adequately service the Plan and adjacent contributory areas. Sewers shall be installed complete with manholes and connected to an adequate outlet as indicated on engineering



plans prepared by the Engineer and approved by the City as indicated in Schedule "A-1" and set out on Schedule "D" attached hereto.

b) Sanitary sewer pipe shall be a minimum nominal diameter of 200mm and shall be manufactured of one of the following materials:

- i) P.V.C. plastic meeting the requirements of A.S.T.M. designation D3034, CSA Standard B182.4 and having an S.D.R. of 35 maximum.
- ii) A.B.S. composite wall (Truss Pipe) as manufactured by Armco Canada Limited or an approved equal meeting the requirements A.S.T.M. designation D2680.
- iii) Polyethylene meeting the requirements of A.S.T.M. designation D1248.

c) Unless otherwise specified, sewer pipe shall be laid in a Class "B" bedding consisting of approved crushed granular material mechanically compacted to a minimum Proctor Density of 95% in 150mm layers under the pipe to a depth of one-third ( $1/3$ ) the outside diameter, such depth being a minimum of 150mm and a maximum of 300mm (200mm in rock). Like material shall be placed in 150mm layers, similarly compacted, on both sides of the pipe and to a depth of 300mm above the pipe, to the full width of the trench, which, at the top of the pipe, shall not exceed 600mm plus the outside diameter of the pipe. Where conditions warrant, the bedding material under the pipe and alongside the pipe up to the spring-line of the pipe shall be open graded 19mm crushed rock.

d) Upon completion of base asphalt all sanitary manholes shall be fixed with a Manhole Inflow Dish/Cover manufactured by Cretex Specialty Products or approved equivalent made of High Density Polyethylene (HDPE) Copolymer meeting the requirements of ASTM D-1248 Class A, Category 5, Type III. All Manhole Inflow Dishes shall come with a manufactured strap for removal and an appropriate valve for venting gas and relieving vacuum pressure. Manhole Inflow Dishes shall remain in place and in a proper state of repair until final assumption of the subdivision.

## **6. Storm Sewers**

Storm sewers, including manholes, catch basins and connections shall be installed in the locations and of such sizes as indicated within the Land on Schedule "A-1" of engineering plans prepared by the Engineer and approved by the City and set out on Schedule "D" attached hereto. Storm sewers shall be designed in accordance with current design data of the Municipal Works Department and shall properly drain the Land on the said Plan and accommodate the drainage from abutting land and runoff from the roofs of buildings erected in the said Plan as indicated on Schedule "A-1" attached hereto and shall be constructed to an adequate outlet.

Storm sewer pipe shall be PVC or concrete with rubber gasket joints. Bedding shall be Class "B" unless otherwise stipulated, consisting of approved crushed granular material mechanically compacted to a minimum Proctor Density of 95% in 150mm layers under the pipe to a depth of one-third ( $1/3$ ) the outside diameter, such depth being a minimum of 150mm and maximum of 300mm. Like material shall be placed in 150mm layers, mechanically compacted, on both sides of the pipe and to a depth of 300mm above the pipe, to the full width of trench, which, at the top of pipe, shall not exceed 600mm plus the outside diameter of the pipe.

## **7. Stormwater Management Facility**

The Owner AGREES to implement any and all of the works identified in the Stormwater Management Report that details methods to be used to ensure storm water quality controls in accordance with the Ministry of Environment 'Stormwater Management Planning and Design Manual' (2003), to the satisfaction of the City and Kawartha Region Conservation Authority.

## **8. Service Connections**

Sewer and water services for residential properties, as prepared by the Engineer and approved by the City as set out in Schedule "D" attached hereto, shall be installed by the Owner and shall conform to the following specifications:

### **a) Water Service Connections:**

Water services shall not be less than 20mm internal diameter and shall be installed to the standards of the Ministry of the Environment's *Design Guidelines for Drinking-Water Systems* to which the Certificate of Approval was subject.

Service boxes shall be marked by 2 x 4 markers of a minimum length of 1.5m buried to 50% of their length beside said service boxes and have that portion remaining above ground painted fluorescent blue.

**b) Sanitary Sewer Service Connections:**

**i) Material:**

Pipe: P.V.C. plastic or A.B.S. solid wall plastic meeting the requirements of C.S.A. Standard B182.1 and having an S.D.R. of less than 29. The internal diameter shall be not less than 100mm.

Saddles: Cast iron, strap-on type or plastic, solvent-type compatible with the type of pipe being used and complete with stainless steel straps. Alternatively, manufactured tee branches may be used.

Plugs: Metal, compression type or mechanical expansion type providing a leak-proof seal. Caps shall not be used without the prior written approval of the Director.

**ii) Installation:**

Sanitary sewer services shall be laid with a minimum fall of two (2) percent from property line to main sewer and shall be connected to the main sewer above the flow line by means of a water-tight saddle or a manufactured tee and long bend. All sewer services shall be installed on a line perpendicular to the main sewer. Holes to be made in the main sewer to receive saddles shall be made using a drilling machine specifically designed and manufactured for that purpose.

Sewer service pipe shall be bedded in approved crushed granular material compacted to a depth of 150mm below the pipe and to a height of 300mm above the pipe and to the full width of the trench. All services shall be terminated with a collar and water-tight plug.

**iii) General:**

The Owner shall supply the Director, prior to the service connections being assumed by the City, with a list of the locations of sewer service connections at the main sewer and at the street line along with the depths of such connections at the street line.

Such locations shall be listed against Lot numbers to which they apply. Connections at the main sewer shall be measured from the nearest downstream manhole and locations at the street line from the nearest lot corner. All such horizontal measurements shall be to the nearest 100mm.

The location of all sanitary sewer connections shall be marked at the street line with a 2 x 4 marker of sufficient length to extend from the end of the pipe vertically to a minimum of one metre above ground. The portion above ground shall be painted fluorescent green and marked "SAN" in black lettering.

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c) **Storm Sewer Service Connections:**

i) ~~Material:~~

~~Pipe: P.V.C. plastic or A.B.S. solid wall plastic meeting the requirements of C.S.A. Standard B182.1 and having an S.D.R. of less than 29. The internal diameter shall be not less than 150mmø.~~

~~Saddles: Cast iron, strap-on type or plastic, solvent type compatible with the type of pipe being used and complete with stainless steel straps. Alternatively, manufactured tee branches may be used.~~

~~Plugs: Metal, compression type or mechanical expansion type providing a leak-proof seal. Caps shall not be used without the prior written approval of the Director.~~

**Sump Pumps:** All dwellings constructed in the Plan of Subdivision shall be equipped with a sump pump for foundation drainage. Shop drawings of the sump pump including details of the sump pit complete with check valve and the location of the outlet shall be submitted to the City for review and approval prior to issuance of a Building Permit.

In accordance with the recommendations of the letter report from Geo-Logic Inc., dated May 13, 2015, storm sewer laterals are not required for the 19 lots in the Phase 1 of this development.

ii) ~~Installation:~~

~~Storm sewer services shall be laid with a minimum fall of one (1) percent from property line to main sewer and shall be connected to the main sewer above the flow line by means of a water-tight saddle or a manufactured tee and long bend. All sewer services shall be installed on a line perpendicular to the main sewer. Holes to be made in the main sewer to receive saddles shall be made using a drilling machine specifically designed and manufactured for that purpose.~~

~~Sewer service pipe shall be bedded in approved ¾" stone material compacted to a depth of 150mm below the pipe and Granular "A" to a height of 300mm above the pipe and to the full width of the trench. All services shall be terminated with a collar and water-tight plug.~~

The Parties AGREE that until a backflow valve and sump pump system has been installed in the basement of each dwelling in accordance with the approved shop drawings to the satisfaction of the City, the City will withhold the issuing of an Occupancy Permit for such dwelling so as to ensure that the building is protected

from the potential harmful surcharging of the storm sewer system.

i) ~~General:~~

~~—————The Owner shall supply the Director prior to the storm service connections being assumed by the City, with a list of the locations of storm sewer service connections at the main sewer and at the street line along with the depths of such connections at the street line. Such locations shall be listed against Lot numbers to which they apply. Connections at the main sewer shall be measured from the nearest downstream manhole and locations at the street line from the nearest lot corner. All such horizontal measurements shall be to the nearest 100mm.~~

~~The locations of all storm sewer connections shall be marked at the street line with a 2 x 4 marker of sufficient length to extend from the end of the pipe vertically to a minimum of one metre above ground. The portion above ground shall be painted fluorescent green and marked "ST" in black lettering.~~

## **9. Street Lighting and Electrical Distribution**

The Owner shall be responsible for the supply and installation of all street lighting poles, luminaries, brackets, wiring and controls, etc. Equipment and installation shall meet the standards of the City, as revised from time to time. Wiring shall be done to the standards required by Hydro One Networks Inc. and all expenses incurred by Hydro One Networks Inc. and the City for inspection of the street lighting works and the connection of the street lighting works into Hydro One Networks Inc. electrical system shall be borne by the Owner.

Prior to energization of the street light and electrical distribution system the Owner shall contact the Electrical Safety Authority (hereinafter referred to as "ESA") at 1-800-305-7383 and schedule the inspection of the street light and electrical distribution system works, arrange for a copy of the ESA's "Connection Authorization" to be forwarded to the Director and arrange for Hydro One Networks Inc. to provide the Director with 48 hours notification of their intent to energize the street light and electrical distribution system.

The Owner shall ensure that no shrubs or trees are planted closer than one (1) metre from the three sides of any hydro transformer and not within two (2) metres of any door opening to said transformer.

## **10. Pedestrian/Cycling Trail**

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Not Applicable.

## **11. Parkland**

The Owner shall pay to the City cash-in-lieu of the dedication of parkland equal to 5% of the appraised value of the Land. Such value shall be determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before draft plan approval was given by the City or the most recent extension of such draft plan approval by the Director of Development Services or his designate. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Said amount is \$24,000.00 based on the appraisal of the entire Phase 1 draft approved plan dated January 16, 2017.

## **12. Buffering and Fencing Requirements**

The Owner shall be responsible for the supply and installation of black vinyl chain link fence as indicated on the Engineering Drawings on the stormwater management Block 20 and Municipal Servicing/Walkway Block 21.

## **13. Walkway**

The Owner shall be responsible for the supply and installation of the 4.5m wide Duramat walkway in Block 21 as indicated on the Cross-Section B-B, on Drawing 11 of the Engineering Drawings.

## **14. Canada Post Requirements**

The Owner shall be responsible for the supply and installation of Community Mail Boxes (CBMs) within the Plan of Subdivision to the satisfaction of the City and Canada Post in accordance with the following requirements:

- a) The Owner shall meet all financial obligations for the placement of Canada Post infrastructure.
- b) The Owner shall provide, at the Owner's expense, curb depressions at the Community Mailbox location two (2) metres in width and no higher than 25mm.
- c) The Owner shall provide, at the Owner's expense, a paved lay-by at the Community Mailbox location when required by the municipality.

- d) If a grassed boulevard is planned between the curb and the sidewalk where the Community Mailbox is located, the Owner shall install at the Owner's expense, a walkway across the boulevard one (1.0) metre in width and constructed of a material suitable to the City. In addition, the Owner shall ensure that this walkway is accessible by providing a curb depression between the street and the walkway. The depression shall be one (1.0) metre wide and no higher than 25mm.
- e) Canada Post must be contacted prior to implementation for the approval of proposed mailbox locations.
- f) The Owner shall inform all prospective purchasers, through a clause in all Agreements of Purchase and Sale, as to those lots identified for potential Community Mail Box, mini-park and /or locations.

## **15. House Numbers**

All house numbers and street addresses within the Plan of Subdivision shall be allocated by the Chief Building Official. A table listing the approved street addresses is provided in Section 21 of Schedule "C". It shall be the responsibility of the Owner to furnish the subsequent purchaser of each Lot with the correct house number and street address.

## **16. Street Signs**

All signage and appurtenances shall be installed in accordance with City standards in the location shown on the approved Engineering Drawings as listed in Schedule "A-1" and as outlined in Schedule "D". Signage shall include street name signs, regulatory signs, and warning signs, including signs confirming the roads are not assumed by the City. All signage shall be maintained by the Owner until the assumption by-law for the roadways is passed by the City.

## **17. Driveway Entrances**

Driveway entrances for each building Lot must be paved between the curb and sidewalk or between the curb and the street line where no sidewalk exists or will exist. The minimum acceptable depths of granular and asphalt will be as follows:

- Granular "A" – 150mm (minimum)
- Surface Hot Mix Asphalt, H.L.-3 – 50mm compacted depth (minimum).



Cut-down curbing for driveway entrances for each Lot shall be as shown on Schedule "A-1" hereto and shall be on the side of the Lot remote from the water service. In no case shall a driveway or driveway entrance be sited over a water service or a hydro service without the Owner or builder having obtained the prior written permission of the respective utility company and the Director.

The location of any house or building on any Lot is set by the driveway entrance location noted on Schedule "A-1" hereto. In order that the house or building be sited in any other manner, the Owner or the builder shall have received a waiver from each of the utility companies that might be affected in any way by such change in siting and shall have agreed with the City to pay all costs suffered by the City or the affected utility companies as a result of such change in siting.

#### **18. Boulevards**

All boulevards (i.e. all areas between the property line and gravel shoulder and/or curb, if applicable) which are not utilized for sidewalk or driveways shall be properly graded and covered with a minimum of 150mm of topsoil and nursery sod.

Street tree planting shall be in accordance with the Streetscape Plan and shall be completed as each phase is at final grade with sidewalk and sod in place. The boulevard must be completed prior to street trees being planted.

#### **19. Construction Plans**

All Public Services required under this Agreement shall be constructed in strict accordance with Construction Plans approved by the Director. No deviation in line, grade, or location of any service shall be made without the prior written approval of the Director.

Prior to the start of construction of any of the Public Services required by this Agreement, the Owner shall supply the Director with a complete set of approved construction drawings in standard hardcopy and digital formats.

#### **20. Camera Inspection of Sewers**

All sewers shall be video inspected in accordance with the requirements of OPSS – 409 by a qualified pipeline inspection company approved by the Director. The inspection company's written report, including the photographs

and/or videos shall be reviewed by the Owner's Consulting Engineer for the purpose of developing proposed corrective action plans for observed defects or deficiencies with the sewer installation. The inspection company's written report, including the photographs and/or videos and the Owner's Consulting Engineer's corrective action plans, if any, shall be submitted to the Director for review and approval prior to commencement of the corrective measures. All completed corrective measures shall be video inspected and approved by the Director prior to assumption of the sewers by the City.

## **21. Addressing**

It shall be the responsibility of the Owner to furnish the subsequent purchaser of each Lot with the correct address. The Lots in the Plan of Subdivision will have the addressing as shown below:

<b>Lot on Plan</b>	<b>Address</b>
1	6 Sedona Court
2	8 Sedona Court
3	22 Sedona Court
4	24 Sedona Court
5	26 Sedona Court
6	29 Sedona Court
7	27 Sedona Court
8	25 Sedona Court
9	23 Sedona Court
10	21 Sedona Court
11	19 Sedona Court
12	17 Sedona Court
13	15 Sedona Court
14	11 Sedona Court
15	9 Sedona Court
16	7 Sedona Court
17	5 Sedona Court
18	3 Sedona Court
19	1 Sedona Court
Block 20 (Stormwater Management Facility)	

## **22. Requirement for Blasting**

Not Applicable.

## **23. Dumping of Fill or Debris**

The Owner AGREES to neither store nor dump, nor permit to be stored nor dumped, any fill, debris, refuse nor other material, nor to remove nor permit to be removed, any topsoil nor fill from any Land presently owned by or to be conveyed to the City without the written consent of the Director.

**24. Disposal of Construction Garbage**

The Owner AGREES to manage the disposal of all construction garbage and debris from the Land in an orderly and sanitary fashion, at the expense of the Owner.

**25. Qualitative and Quantitative Tests**

The Owner AGREES that the Director may have qualitative and quantitative tests made of any materials or equipment installed or proposed to be installed on public land. The costs of such tests shall be paid by the Owner.

## **26. Maintenance, Closing and Use of External Roads**

The Owner shall, at all times during the term of this Agreement, ensure that all public roads abutting the Land and all public roads used for access to the Land, during any construction on the Land, shall be maintained in a condition equal to that now existing and to the approval of the Director. If damaged, the Owner AGREES to restore immediately, at his expense, such road to a condition equal to that existing at the time of such damage and to the approval of the Director.

The Owner AGREES that no public road shall be closed without the prior written approval of the authority having jurisdiction over such public road.

The Owner AGREES not to use or occupy any untravelled portion of any public road allowance without the prior written approval of the authority having jurisdiction over such public road allowance.

The Owner AGREES that all trucks making delivery to, or taking materials from, the Land shall be covered or loaded so as not to scatter such materials on any public road.

In the event that any mud, dust, refuse, rubbish and/or other litter of any type resulting from the development of the Land is found upon highways outside of the Land, the Owner shall clean up same to the satisfaction of the Director within twenty-four (24) hours of the Director giving notice to the Owner or his agent. If the Owner has not caused same to be cleaned up within twenty-four (24) hours as aforesaid, it is agreed that the Director may, at its sole option, carry out the required clean-up work at the Owner's expense plus thirty percent (30%) of the total cost thereof for inconvenience caused to the City.

The Owner AGREES that all construction vehicles going to and from the Land shall use routes, if any, designated by the Director.

**SCHEDULE "D"**  
**SUMMARY OF ESTIMATED COSTS**

Schedule 'D'  
Subdivision Agreement  
Phase 1 Only

	Unit	Price (\$)	Quantity	Total Cost (\$)
<b>1 Site Preparation, Removals and Erosion Control</b>				
Insurance, Mobilization & Demobilization	LS	\$10,000.00	1.00	\$10,000.00
Heavy Duty Silt Fencing (219.130)site and topsoil pile	m	\$13.00	450	\$5,850.00
Straw Bale Check Dams (219.180)	ea	\$500.00	4.00	\$2,000.00
Construction of Mud Mat	ea	\$2,500.00	1.00	\$2,500.00
Clearing	LS	\$5,000.00	1.00	\$5,000.00
<b>Subtotal: Site Preparation, Removals and Erosion Control</b>				<b>\$25,350.00</b>
<b>2 Storm</b>				
250mm ø P.V.C.	m	\$130.00	61.5	\$7,995.00
525mm ø Conc.	m	\$400.00	45.5	\$18,200.00
600mm ø Conc.	m	\$400.00	169	\$67,600.00
1200mm ø (OPSD:701.010)	ea	\$4,000.00	4	\$16,000.00
600mm ø Catch Basin c/w Frame & Grate (OPSD:705.010)	ea	\$1,500.00	4	\$6,000.00
DICB OPSD:705.030	ea	\$2,400.00	1	\$2,400.00
DCBMH 703.021	ea	\$4,000.00	1	\$4,000.00
DCB 702.020	ea	\$2,400.00	1	\$2,400.00
STC 2000	ea	\$40,000.00	1	\$40,000.00
Landscaping (other than boulevard trees)	LS	\$5,000.00	1	\$5,000.00
Unilock Dura-Mat Interlocking concrete	L.S	\$5,500.00	1	\$5,500.00
50-100 mm Diameter Rip-Rap c/w non woven geotextile	s.m.	\$18.00	2450	\$44,100.00
Clean, Flush and Video Inspection of Storm Sewers	m	\$8.50	299	\$2,541.50
Decomission 300mm ø Outlet Pipe	LS	\$2,500.00	1	\$2,500.00
600mm ø CSP Culvert	m	\$225.00	38	\$8,550.00
Stormwater Retention Pond Regrading	LS	\$10,000.00	1	\$10,000.00
<b>Subtotal: Storm</b>				<b>\$242,786.50</b>
<b>3 Sanitary</b>				
200mm ø P.V.C. 404.020	m	\$140.00	225	\$31,500.00

1200mm ø (701.010)	ea	\$4,000.00	4	\$16,000.00
100mm ø Long Sanitary Service	ea	\$980.00	13	\$12,740.00
100mm ø Short Sanitary Service	ea	\$705.00	6	\$4,230.00
Clean, Flush and Video Inspection of Sewer	m	\$8.50	225	\$1,912.50
Temporary Sanitary Plug	ea	\$500.00	1	\$500.00

**Subtotal: Sanitary**

**\$66,882.50**

**4 Watermain and Appurtenances**

150 mm P.V.C. watermain	m	\$130.00	235	\$30,550.00
150 mm Gate Valve	ea	\$1,250.00	2	\$2,500.00
Hydrant Set, Valve and Tee	ea	\$4,000.00	2	\$8,000.00
19 mm Long Water Service	ea	\$1,750.00	13	\$22,750.00
19 mm Short Water Service	ea	\$800.00	6	\$4,800.00
Water, Disinfection and Pressure Testing (including disconnect and reconnect)	LS	\$10,000.00	1	\$10,000.00

**Subtotal: Watermain and Appurtenances**

**\$78,600.00**

**5 Road**

Granular 'B' 450mm Depth	t	\$10.00	1500	\$15,000.00
Granular 'A' 150mm Depth	t	\$13.00	700	\$9,100.00
HL8 Asphalt Binder Course 40mm Depth	t	\$94.00	180	\$16,920.00
HL4 Asphalt Surface course 40mm Depth	t	\$102.00	180	\$18,360.00
Storm 150 mm Dia Subdrain Road (OPSD216.021)	m	\$14.00	900	\$12,600.00
Curb and Gutter Barrier 2-stage (OPSD 600.070,608.010,605.030,)	m	\$50.00	460	\$23,000.00
1.5m wide Concrete Sidewalk	m <sup>2</sup>	\$65.00	220	\$14,300.00
Chain Link Fencing incl. 5m gate, Pond, Walkway	m	\$70.00	331	\$23,170.00
Topsoil & Sod	m <sup>2</sup>	\$10.00	4000	\$40,000.00
Line Painting	LS	\$1,000.00	1	\$1,000.00
Street Trees	ea	\$750.00	19	\$14,250.00
Driveway Aprons	ea	\$800.00	19	\$15,200.00
LED Electrical Light Standards	ea	\$3,000.00	8	\$24,000.00
Street signs - street names, stop ,no exit	ea	\$500.00	3	\$1,500.00

**Subtotal: Road**

**\$228,400.00**

**7 Legal Fees**

Miscellaneous Legal Fees (associated with review and registration)	LS	\$6,000.00	1	\$6,000.00
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**Subtotal: Legal Fees**

**\$6,000.00**

<b>Subtotal (Items 1.0 - 7.0)</b>	<b>\$648,019.00</b>
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**8 Engineering and Contingency**

5% Contingency	\$32,400.95
7% Engineering	\$45,361.33

<b>*Subtotal</b>	<b>\$725,781.28</b>
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H.S.T - 13%	\$94,351.57
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<b>Total Construction Costs</b>	<b>\$820,132.85</b>
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<b>*DAAP Fee: 3.7% of Subtotal - Pre H.S.T.</b>	<b>\$26,853.91</b>
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**7 Security**

Security inclusive of H.S.T.

<b>Total of Security</b>	<b>\$820,132.85</b>
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I certify these engineering costs to be the current estimated costs for the works proposed within the approved engineering drawings.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## **SCHEDULE “D”**

### **SUMMARY OF ESTIMATED COSTS (continued)**

**In accordance with Section 9. - Financial Arrangements, the Owner shall pay the Engineering Fee for the post-draft-plan approval development of the subdivision in the amount of 3.7% of the estimated construction value of the Public Services created relative to the subdivision as set out above (exclusive of H.S.T.) As per the Sub-Total cost of all works prior to H.S.T., in accordance with By-law 2007-132, the fee is \$26,853.91. The initial payment of \$17,551.80 comprised 75% of the fee and was submitted in December 2015. Therefore, the remainder fee owed is \$9,302.11.**

## **SCHEDULE “E”**

### **LOT GRADING PLAN**

**The Lot Grading Plans are included in the plans listed in Schedule “A-1”  
and are on file with the City.**

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## **SCHEDULE “F”**

### **CONDITIONS OF DRAFT PLAN APPROVAL**

**The Corporation of the City of Kawartha Lakes granted draft plan approval on August 17, 2012 and such approval was subject to the following conditions:**

1. That this approval applies to the draft plan of subdivision of Part of Blocks W and X, Registered Plan 70, former Village of Bobcaygeon, City of Kawartha Lakes, prepared by Coe Fisher Cameron, dated May 31, 2006, which shows a total of 63 lots for single detached dwellings, Block 64 for a stormwater management facility, Blocks 65 and 66 for servicing easements, Block 67 for road widening and two new cul-de-sac roads, as shown on the attached Plan.
  2. That the Owner is responsible for obtaining required clearance letters from all agencies, departments and utilities as set out in the following conditions. All conditions shall be fulfilled and satisfied, and final approval shall be given or this draft plan approval shall lapse after November 1, 2014.
  3. That the road allowances included in this draft plan of subdivision shall be dedicated as public highways at the time of registration.
  4. That the Owner shall submit up to three names for each street and the Planning Division [PD] will select the final name(s) to ensure each is satisfactory to the City. Each selected name shall be shown on the final plan for registration.
  5. That the Owner enter into a Subdivision Agreement with the City, in which the Owner agrees to satisfy all requirements, financial and otherwise, of the City, concerning the provision of civic addressing, road design and construction, installation and operation of municipal services and drainage works. This shall include but not be limited to implementation of all consultant reports prepared in respect of water supply, sanitary sewer, stormwater management, and installation of roads, services and drainage works, all to the satisfaction of the City.
  6. That the Subdivision Agreement requires the Owner, at his expense to construct the roadways, erect the necessary street signage, sidewalks and
- 20180130 16T-06505 Draft Subdivision Agreement

municipal services adjacent to and within the proposed subdivision, all to the satisfaction of the City.

7. That the Owner shall obtain the civic addressing, as assigned by the Planning Division, which shall be included in the Subdivision Agreement.
8. That the Owner conveys land in the amount of 5% of the land included in the plan to the City for park purposes pursuant to the provisions of Section 51.1(1) of the Planning Act. Alternatively, the City may, pursuant to subsection 51.1(3) of the Planning Act, accept payment in lieu of the said conveyance. For the purpose of determining the amount of any such payment, the value of the land shall be determined as the day before the most recent extension pursuant to subsection 51(33) of the Planning Act, to the approval of the draft plan of subdivision. The City is not required to accept the appraisal report and reserves the right to have the appraisal report peer reviewed and negotiate the cash-in-lieu payment.
9. That the Owner continue to maintain all site improvements including but not limited to fencing along Dunn Street, securement of the stormwater management pond area including capping any open pipes, installation of private property signage, and barricading the entrances, dust suppression, and managing the on-site soil stockpiles.
10. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all effected utility companies and authorities.
11. That the Owner shall grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution Inc. [EGDI]. The natural gas distribution system will be installed within the proposed road allowances.
12. That the Owner shall grant such easements as may be required for utility or drainage purposes to the appropriate utility company and/or authority.
13. That the Subdivision Agreement require the Owner to install a piped water supply, sanitary sewer and stormwater management systems subject to the approval of the City. The Agreement shall provide for the assumption of such systems by the City.
14. That the Subdivision Agreement shall, in writing satisfactory to Canada

Post Corporation [CPC] and the municipality, require the Owner to ensure:

- (a) that all Agreements of Purchase and Sale shall identify those lots adjacent to locations identified for potential community mailbox, mini-park mailbox;
- (b) that 2 m. wide curb depressions, no higher than 25 mm, shall be provided at each community mailbox site;
- (c) that, when required by the municipality, a paved lay-by shall be provided at each community mailbox site;
- (d) that, if a grass boulevard is planned between the curb and sidewalk where a community mailbox is to be located, that a 1 m. wide, handicapped accessible walkway be constructed across the boulevard, of material suitable to the municipality, in addition, the Agreement shall require the Owner to ensure, by forming or cutting the curb, that this walkway is handicapped accessible by providing a curb depression 1 m wide and no higher than 25 mm, between the street and the walkway.

15. That prior to final approval of the Plan, the Planning Division confirm that the proposed lots in the final draft plan conform to the relevant provisions (i.e. land use, lot frontage and lot area) of the Zoning By-law.

16. That the Subdivision Agreement provide that prior to any on-site grading or construction the following conditions are met:

- (a) That the Owner submit to the Kawartha Region Conservation Authority (KRCA) for approval, a stormwater management report and plan that:
  - (i) details the methods to be used to convey stormwater away from each lot and the entire development; and,
  - (ii) details the methods to be used to ensure stormwater quality control in accordance with the "Stormwater Management Practices Planning and Design Manual", Ministry of the Environment and Energy, 1994.
- (b) That the developer submit to Kawartha Conservation for approval of an erosion and sedimentation control plan detailing methods to be used to control erosion and sedimentation during and after construction.
- (c) That the Owner submit to Kawartha Conservation for approval, final site grading plans.

(d) That the Subdivision Agreement between the Owner and the City contain the following provisions in wording acceptable to Kawartha Conservation:

(i) that the Owner agrees to implement the works referred to in (a), (b) and (c) as noted above; and

(ii) that the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair during the construction period, to the satisfaction of Kawartha Conservation.

17. That the Engineering Division [ED] reviews the stormwater management report and plan, erosion and sedimentation control plan and final site grading plans as required under Condition 16 to ensure that it concurs with the approval of the Conservation Authority.

18. That prior to the signing of the final plan by the Director, the Owner shall obtain a clearance letter from the Planning Division including a brief statement detailing how Conditions 1, 2, 3, 4, 5, 7, 8 and 15 have been satisfied and carried out.

19. That prior to the signing of the final plan by the Director, the Owner shall obtain a clearance letter from the Engineering Division and submit it to the Planning Division. The clearance letter shall include a brief statement detailing how Conditions 5, 6, 9, 10, 12, 13 and 17 have been satisfied and carried out.

20. That prior to signing of the final plan by the Director, the Owner shall obtain a clearance letter from Enbridge Gas Distribution Inc. and submit it to the Planning Division. The clearance letter shall include a brief statement detailing how Condition 11 has been satisfied and carried out.

21. That prior to signing of the final plan by the Director, the Owner shall obtain a clearance letter from Kawartha Conservation and submit it to the Planning Division. The clearance letter shall include a brief statement detailing how Condition 16 has been satisfied and carried out.

22. That prior to the signing of the final plan by the Director, the Owner shall obtain a clearance letter from Canada Post Corporation including a brief statement detailing how Condition 14 has been satisfied and carried out.

The final plan approved by the City must be registered within 30 days or the City may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990.

NOTES TO DRAFT APPROVAL of 16T-06505 (CKL File No. DOS-19-014)

1. Clearance Letters

It is the Owner/applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters have been forwarded by the appropriate agencies to the City of Kawartha Lakes to the attention of the Director of Development Services quoting the above noted file. For your information the following are some of the contacts:

Juan Rojas

Manager of Engineering Engineering Division

Development Services Department City of Kawartha Lakes

12 Peel Street

Lindsay ON K9V 5R8 Tel: (705) 324-9411 x1151

Fax: (705) 328-3122

Rob Messervey, General Manager Kawartha Conservation

277 Kenrei Rd., RR #1 Lindsay ON K9V 4R1

Tel: 705-328-2271 1-800-668-5722

Fax: 705-328-2286

Kevin Williams

Director, Community Services Department

City of Kawartha Lakes 50 Wolfe Street Lindsay, ON K9V 2J2

Tel: (705) 324-9411 x307

Fax: (705) 324-2051

Randy Wilton

Manager Network Analysis Enbridge Gas Distribution Inc. 500 Consumers Road

North York ON M2J 1PB Tel: 416-758-7966

Fax: 416-758-4374

Doug Carroll Manager of Planning

Development Services Department City of Kawartha Lakes

180 Kent Street West 2nd Floor

Lindsay ON K9V 2Y6

Tel: (705) 324-9411 ext. 1240

Fax: (705) 324-4027

John La Chapelle, Manager Bell Canada

Right Of Way Control Centre 100 Borough Drive, Floor 5 Scarborough ON M1P 4W2

Hydro One Network Inc. Services Provincial Lines

Workforce Management & Deployment

Lines Engineering Services - Subdivision

25 Morrow Road Barrie, ON L4N 3V7

Diana (DeDe) Adamowicz Delivery Planning Officer Canada Post Corporation

41 Temperance Street, Suite 207 Bowmanville, ON L1C 3AO

## 2. Conveyances

If land is to be conveyed to the City the description of such parcels shall be by reference to either the Lot or Block on the Registered Plan or by Part on a Reference Plan of survey.

The owner shall give to the City an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the final plan, as signed by the Director.

## 3. Lands Required to be Registered under Land Titles Act

We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2). Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and

(c) of subsection 78(10).



4. Ontario Water Resources Act

Inauguration, or extension of a piped water supply or a storm drainage system, is subject to the approval of the Ministry of the Environment under Sections 52 and 53 of the Ontario Water Resources Act, RSO 1990.

5. Water Supply and Sewage Disposal

Water supply and sewage disposal facilities, shall meet the requirements of, and be approved by, the Ministry of the Environment or its agents as applicable, in accordance with Regulations of Ontario 1990, Regulation 358, made under the Environmental Protection Act, R.S.O. 1990.

6. Clearance of Conditions

A copy of the Final Draft of the Subdivision Agreement, as recommended by staff, should be sent to public bodies with conditions covered under the Agreement. This will expedite clearance of the conditions and registration of the final plan. Please do not send a copy to the Ministry of Municipal Affairs and Housing.

## SCHEDULE "G"

### SPECIAL WARNINGS AND NOTICES

#### 1. General

The Owner shall ensure that the following Special Warnings and Notices are included in all Agreements of Purchase and Sale for the Lots noted below and further that said Agreements shall require all subsequent Agreements of Purchase and Sale to contain same. The Owner undertakes to deliver forthwith to all prospective purchasers who have executed Agreements of Purchase and Sale notices in substantially the same form as below and further to use his best efforts to obtain acknowledgements executed by the said prospective purchasers on or before sale or transfer of any Lot to the purchaser. All Agreements of Purchase and Sale shall include information which satisfies Subsection 59(4) of the Development Charges Act (1997). In addition, prospective purchasers of Lots are also hereby warned as follows:

##### a) **Warning – Stormwater Management Facilities**

The Purchaser/Grantee acknowledges that he or she is aware that the land within Block 20 of Plan 57M-\_\_\_\_\_ shall be used for stormwater management. In particular, Block 20 contains stormwater management facilities which at times may retain a level of water that may be dangerous to unattended children or to other persons not adequately supervised.

##### b) **Warning – Sump Pump and Backflow Valves**

The Purchaser/Grantee acknowledges that their dwelling contains a sump pump and back flow valve that discharges to the surface of their property toward the rear yard. The Purchaser/Grantee acknowledges and agrees that revising, modifying or failure to maintain these facilities will increase the risk of flooding of the basement. For further information contact:

City of Kawartha Lakes  
Building Department  
180 Kent Street West  
Lindsay, Ontario K9V 2Y6

##### c) **Warning - Occupancy**

Occupancy of any dwelling within this Subdivision is illegal unless an

Occupancy Inspection has been conducted by the Chief Building Official or by a Building Inspector employed by the City. For further information contact:

City of Kawartha Lakes  
Building Division  
180 Kent Street West  
Lindsay, Ontario K9V 2Y6

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d) **Warning - Development Charges**

Purchasers should be aware that this Plan of Subdivision is subject to the provisions of the Development Charges Act, as amended and By-law No. 2015-224, as amended.

Purchasers should also be aware that the City may refuse the issuance of Building Permits for any dwelling for which the Development Charge has not been paid. In addition, the City may add unpaid Development Charges to the tax roll for the property and may collect such amounts as taxes.

e) **Notice – Parkland and Recreation Area**

Not Applicable.

f) **Notice - Future Development - Surrounding**

The Purchaser should be aware that surrounding land to the Plan of Subdivision may be rezoned to allow for future development.

g) **Notice – Rear Lot Catchbasins and Swales**

The Owners of any Lot or Block which has a drainage swale or swales, a catchbasin, or any other drainage works (hereinafter called "works") located thereon shall be solely responsible for the ordinary and proper operation of the works and shall be solely responsible for any and all damages or injuries which may arise from the negligent failure to do so.

The Purchaser/Grantee acknowledges that rear and side yard drainage swales cannot be altered save and except at the direction of the City. The Purchaser/Grantee acknowledges that side or rear yard Lot swales, and/or rear yard catchbasins and/or associated storm sewer connections will exist on their Lot and will accept drainage from swales on adjacent Lots.

The Purchaser/Grantee of Lots 13 to 14, both inclusive, on Schedule "A-1" acknowledge that a rear yard catchbasin and associated storm sewer connection will exist immediately adjacent to his or her Lot.

h) **Notice – Fencing**

The Purchaser/Grantee acknowledges that he or she is aware that a chain link fence shall be installed on Lots along the rear lot lines of Lots 3 to 5,

both inclusive, along the easterly boundary of Lot 7, the westerly boundary of Lot 6 and the southerly boundary of Lot 1, inclusive on Schedule "A", and agrees that they are responsible for the maintenance/replacement of this fence.

i) **Warning - Assumption of Municipal Services**

The Purchaser/Grantee is hereby advised that a considerable period of time may elapse before the municipal services are eligible for assumption under Municipal By-law. The Purchaser/Grantee is further advised that until Assumption of the Subdivision, the Owner is responsible for the maintenance of all Municipal Works that would otherwise be the responsibility of the City.

j) **Warning - Lot Grading and Landscaping**

The Purchaser/Grantee is hereby advised that construction of above and below ground pools, landscaping, construction of fencing, sheds and other structures, including decks, etc., will not be permitted until an Occupancy Inspection has been conducted by the City and the subdivision lot grading has been accepted by the City. The purchaser/grantee will be wholly responsible for the removal and any costs associated with removing any of the above listed construction activities.

k) **Warning - Agricultural Land**

Not applicable

l) **Warning – Mailbox Locations**

The Purchaser/Grantee of any Lot is advised that the mail will be delivered to community mailboxes within the Plan of Subdivision. The location of the community mailboxes and/or mini-park(s) is subject to the approval of Canada Post and the City. A community mailbox will be located adjacent to the North property line of Lot 2 on Sedona Court.

m) **Warning - Parking on Internal Streets**

The Purchaser/Grantee of any Lot is advised that all Lots and all streets in the Subdivision will be subject to the Municipal By-laws. *Inter alia*, the Municipal By-laws may limit the time parked on Municipal streets.

n) **Warning – Tree Preservation Zone**

Not Applicable.

o) **Warning – Acoustic Barriers**

Not Applicable.

p) **Warning – Hydrogeological Report**

Not Applicable

q) **Warning – Streetlights**

Not Applicable.

r) **Warning – Driveway Widths**

The Purchaser/Grantee of any Lot or Block is advised that driveway widths are set by the entrance location and dimensions noted on Schedule A-1 of the subdivision agreement. The Purchaser/Grantee will be wholly responsible for the reinstating the approved driveway width if any changes are made and not approved in advance by the City of Kawartha Lakes.

## **SCHEDULE “H”**

### **COMPOSITE UTILITY PLAN**

***All drawings were prepared by D.M. Wills Associates Limited  
Project No. 03-1732, Dated November 2016***

Drawing No. 16: Furniture & Composite Utility Plan (South) “Schedule H”

DRAFT

## Joel Watts

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**From:** Deborah Keay <dkeay@dmwills.com>  
**Sent:** Wednesday, October 18, 2017 10:29 AM  
**To:** Deborah Keay  
**Subject:** FW: 1732 - Arizona Heights

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**From:** Bill Ulicki [<mailto:BillUlicki@romspen.com>]  
**Sent:** Wednesday, April 12, 2017 2:06 PM  
**To:** Deborah Keay  
**Cc:** Tom deBoer ([tomdeboer@rogers.com](mailto:tomdeboer@rogers.com)); Pranav Bhajiwala  
**Subject:** RE: 1732 - Arizona Heights

Ok then we will defer until occupancy.

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**From:** Deborah Keay [<mailto:dkeay@dmwills.com>]  
**Sent:** Tuesday, April 11, 2017 10:00 AM  
**To:** Bill Ulicki  
**Cc:** Tom deBoer ([tomdeboer@rogers.com](mailto:tomdeboer@rogers.com)); Pranav Bhajiwala  
**Subject:** FW: 1732 - Arizona Heights

I followed up with Juan regarding the deferral of DCs.

You can see Juan's comments below, but to summarize:

1. If you defer DCs, they are payable at the rate that is in effect at the time of payment. There likely wouldn't be an increase if you defer from building permit to occupancy (assuming occupancy is in the same year as you start construction), but could definitely be higher than the rates in effect at the time of signing the subdivision agreement – depending how quickly you build out.
2. There was an implication with respect to securities as well – the City can withhold securities if DCs aren't paid yet, but the good news is that they don't ask you to post additional upfront LCs.

Thanks,  
Deb

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**From:** Juan Rojas [<mailto:jujas@city.kawarthalakes.on.ca>]  
**Sent:** Tuesday, April 11, 2017 9:45 AM  
**To:** Deborah Keay  
**Cc:** Christina Sisson; Roberta Perdue  
**Subject:** RE: 1732 - Arizona Heights

Hi Debbie,

Please find attached the new signed MOE form.

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**From:** Deborah Keay [<mailto:dkeay@dmwills.com>]  
**Sent:** Monday, April 10, 2017 4:16 PM  
**To:** Juan Rojas  
**Cc:** Christina Sisson  
**Subject:** 1732 - Arizona Heights

Juan:



As discussed, I have attached the revised signing page for you to resign please. We have asked the client to confirm whether they want the deferral of DC payments and when I dug into the background information in the staff report I wanted to get some clarification.

In Item 6, I understand that the DCs payable are payable at the DC rates in effect at the time of payment (i.e. subject to the year over year increase, or an updated by-law), regardless of the rates at the time of execution of the subdivision agreement. Is that correct?

Yes, this is correct.

In Item 7, it notes that securities shall include the value of the deferred DCs. Does this mean that if Development Charges are not paid at the time of execution of the Subdivision Agreement that the developer will have to secure an amount equal to the development charges? If this is the case, I am not clear how this helps the cash flow, since Letters of Credit tie up cash until they are released. If they require security, at what rate are they secured, the current rate?

We do not hold additions securities for the DCs.

Instead, we utilize the Capital infrastructure securities to cover the outstanding DCs (if applicable).

If the developer chooses to defer the DCs than there may be an impact on how quickly he can have the securities reduced, depending on how much DCs are outstanding.

Any light you can shed would be much appreciated as deferral seems like the obvious choice, but in fact may not be.

Thanks,  
Deb



**Deborah A. Keay, P.Eng.**  
Manager, Municipal Engineering

**D.M. Wills Associates Ltd.**  
150 Jameson Drive · Peterborough, ON · K9J 0B9  
Tel: (705) 742-2297 ext. 248 · Fax: (705) 741-3568

**From:** Deborah Keay <dkeay@dmwills.com>  
**Sent:** Thursday, November 02, 2017 11:32 AM  
**To:** Christina Sisson  
**Cc:** Juan Rojas; Sherry Rea; Richard Holy; Bill Ulicki  
**Subject:** 1732 - ECA Approval / Subdivision Agreement  
**Attachments:** ECA\_2758-AQ2K6F.pdf; 2017 11 02 Arizona Heights Subdivision Agreement (updates for 2015) (3) CKL 2017 Template Edits.doc; 2017 05 02 Subdivison Agreement Schedule D.xlsx

Good morning Christina:

As discussed, I have attached the latest version of the draft Subdivision Agreement. I have left the track changes on, so you can see the chronology of changes.

You were correct – the ECA approval number was not included. I have added the ECA approval number and attached the certificate for your files. As indicated in previous correspondence, the Owner has opted to defer Development Charges to Occupancy, so the redundant paragraph regarding deferral to building permit has been removed. I did highlight one additional date on page 15, where you (or Lauren) had added a line about the calculation of the Development Charges and referenced a date 201x. The other yellow highlights are for the M plan number when it is registered.

I have also attached the Schedule D, from May of this year, that I was under the understanding we were both in agreement on. It has not been changed and the calculations match the values reflected in this Subdivision Agreement attached.

As far as we are aware, other than the approved M-Plan (on Mylar) from the Registry Office, the City has all of the required documentation that has been requested in support of the Subdivision Agreement going to Planning Committee.

Per your email November 1<sup>st</sup>, we understand that you require:

To execute the subdivision agreement, the City requires:

- Four (4) copies of current & approved engineering design drawings, signed by Owner & Consulting Engineer
- Treasurer's Report confirming financial requirements and outstanding taxes etc. and receipt of all financials (i.e. security, remaining DAAP fee, park cash in lieu)
- Confirmation all draft plan conditions cleared by the Owner,
- Mylar M Plan

Please confirm with the planning department, as it is our understanding from correspondence from Sherry Rea, that they are satisfied that all draft plan conditions have been met. Assuming that you receive the M-Plan by November 22<sup>nd</sup> (or before), we understand that the agreement will be put on the December 6<sup>th</sup> Planning Committee Agenda. We expect that the M-Plan will be approved and forwarded to you in the next week.

Please confirm that our understanding of the status of the foregoing is correct.

Thank you,  
Deb



**Deborah A. Keay, P.Eng.**  
Manager, Municipal Engineering

**D.M. Wills Associates Ltd.**  
150 Jameson Drive · Peterborough, ON · K9J 0B9  
Tel: (705) 742-2297 ext. 248 · Fax: (705) 741-3568

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-002**

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**Date:** February 14, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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**Ward Community Identifier:** Ward 10, Lindsay

**Subject:** Application for a Condominium Description Exemption for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street and identified as 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes. (Pyjama Factory Inc.)

**Author/Title:** Sherry L. Rea, Development Planning Supervisor

---

### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-002, respecting Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, Application No. D04-17-002, be received;

**THAT** the Application for Condominium Description Exemption filed by Randy Lebow, Owens Wright, on behalf of Pyjama Factory Inc. for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

---

**Department Head:** \_\_\_\_\_

**Corporate Services Director / Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

Randy Lebow, Owens Wright, Barristers and Solicitors on behalf of Pyjama Factory Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9(3) and (6) of the Condominium Act, Ontario for the Pyjama Factory Inc. building located at 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes. The Pyjama Factory Inc. building is currently being renovated as a 19 unit residential apartment building. The proposal includes 19 residential parking spaces, 3 visitor parking spaces and 1 accessible parking space. See Appendix A and B attached.

Owner: Pyjama Factory Inc.

Applicant: Randy Lebow, Owens Wright, Barristers and Solicitors

### Legal

Description: Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, geographic Township of Ops, Part of King Street, Plan 15P, designated as Parts 1 and 2, Plan 57R10260, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Designated Residential on Schedule A of the Town of Lindsay Official Plan

Zone: "Central Commercial Special Seven (CC-S7) Zone" in the Town of Lindsay Zoning By-law No. 2000-75

Total Area: 0.78 ha.

Site Servicing: Full urban services – water, sanitary and storm sewer, streetlights, curb and gutter

Existing Use: Residential building under renovation

Adjacent Uses: North – Municipal Park  
South - Scugog River  
West - Trent Severn Lands - Lock 34  
East - Victoria Rail Trail

## Rationale:

The subject land is located at 23-25 King Street, Lindsay with the existing building currently being renovated for 19 residential units. Randy Lebow, Owens Wright, Barristers and Solicitors, on behalf of Pyjama Factory Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act, Ontario to exempt the description of the Pyjama Factory Inc. building from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the Condominium Plan. The applicable Acts allow for exemptions provided that certain planning criteria are met such as conformity with the Official Plan and applicable Zoning By-law, the development has

previously undergone a public consultation process under the Planning Act and the development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

The following was submitted in support of the request:

1. Draft Victoria Standard Condominium Plan for Levels 1, 2 and 3 together with the Extent and Location of the Exclusive Use Portions of the Common Elements on Level 1, prepared by Coe, Fisher, Cameron and dated January 3, 2018. See Appendix C, D, and E attached.
2. Copy of the Site Plan approved by Director Chris Marshall and dated July 19, 2016. See Appendix B attached.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The proposed development will be serviced by the existing municipal roads, sewage, water and storm water services. Conformity with the GP was demonstrated through a site specific zoning by-law amendment for the proposed development.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. Consistency with the PPS was demonstrated through a site specific zoning by-law and site plan approval for the proposed development.

## **Servicing Comments:**

The Application for Description Exemption was circulated to Engineering & Corporate Assets and Public Works for review and comment. Both departments have indicated that they have no objection or comment based on the existence of a site plan agreement and engineering review.

## **Review of Accessibility Implications of Any Development or Policy:**

The accessibility standards established in the Building Code are shown on the construction drawings as part of the application for a building permit for

renovations to the apartment building and had to be approved by the City prior to the issuance of a building permit.

### **Consultations:**

No further consultations were undertaken as this time.

### **Development Services Planning Division Comments:**

Section 9 (3) and (6) of the Condominium Act, Ontario allows for Condominium Description Exemptions from Sections 51 and 51.1 of the Planning Act, Ontario provided that the following Planning criteria are met:

#### **Conformity with the Official Plan and the applicable Zoning By-law:**

The subject land is designated Residential in the Town of Lindsay Official Plan and zoned Central Commercial Special Seven (CC-7) in the Town of Lindsay Zoning By-law No. 2000-75. This is the appropriate land use designation and zone category for the development. In 2015, the property was the subject of a minor variance application which received an Ontario Municipal Board decision to reduce the residential parking requirement to 23 parking spaces on site. As per the Board's Order, the owner made a cash-in-lieu payment for parking under the site plan agreement in amount of \$1,500 per space for 7 spaces for a total of \$10,500. The site plan was approved accordingly.

#### **The development has previously undergone a public consultation process under the Planning Act:**

The subject land was the subject to a Zoning By-law amendment in 2012 which was applied for and subject to the public consultation process under the Planning Act.

#### **The development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.**

A Site Plan Agreement between the City and Pyjama Factory Inc. was registered July 27, 2016 and receipted as KL114981. The City is in receipt of the appropriate securities to ensure completion of the site works.

The applicant has demonstrated that the above planning criteria have been met and that upon Council's approval of the application, the Certificate of Exemption may be signed by the Director and the Condominium Plan registered.

### **Other Alternatives Considered:**

No other alternatives were considered at this time.

## **Financial Considerations:**

There are no financial implications regarding Council's considerations respecting the approval or refusal of the Pyjama Factory Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

## **Relationship of Recommendation(s) To Strategic Priorities:**

The City's Strategic Plan outlines Council's Vision for the municipality. The Vision consists of three main Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life and A Healthy Environment. The application for Condominium Description Exemption does not directly impact or align with a specific Strategic Priority.

## **Conclusions:**

The applicant has demonstrated that the 19 residential apartment building has been the subject of appropriate planning applications, public consultation and municipal review that provide support for the request for a Condominium Description Exemption. Staff respectfully recommends that application be APPROVED.

## **Attachments:**

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix A – Location Map



Appendix 'A' -  
Location Map.pdf

Appendix B – Approved Site Plan



Appendix 'B' -  
Approved Site Plan.p



## Appendix C – Victoria Standard Condominium Plan Levels 1 and 3



Appendix 'C' - VSCP  
Levels 1 and 3.pdf

## Appendix D – Victoria Standard Condominium Plan Level 2



Appendix 'D' - VSCP  
Level 2.pdf

## Appendix E – Victoria Standard Condominium Plan – Extent and Location of Common Elements



Appendix 'E' - VSCP  
Common Elements.pdf

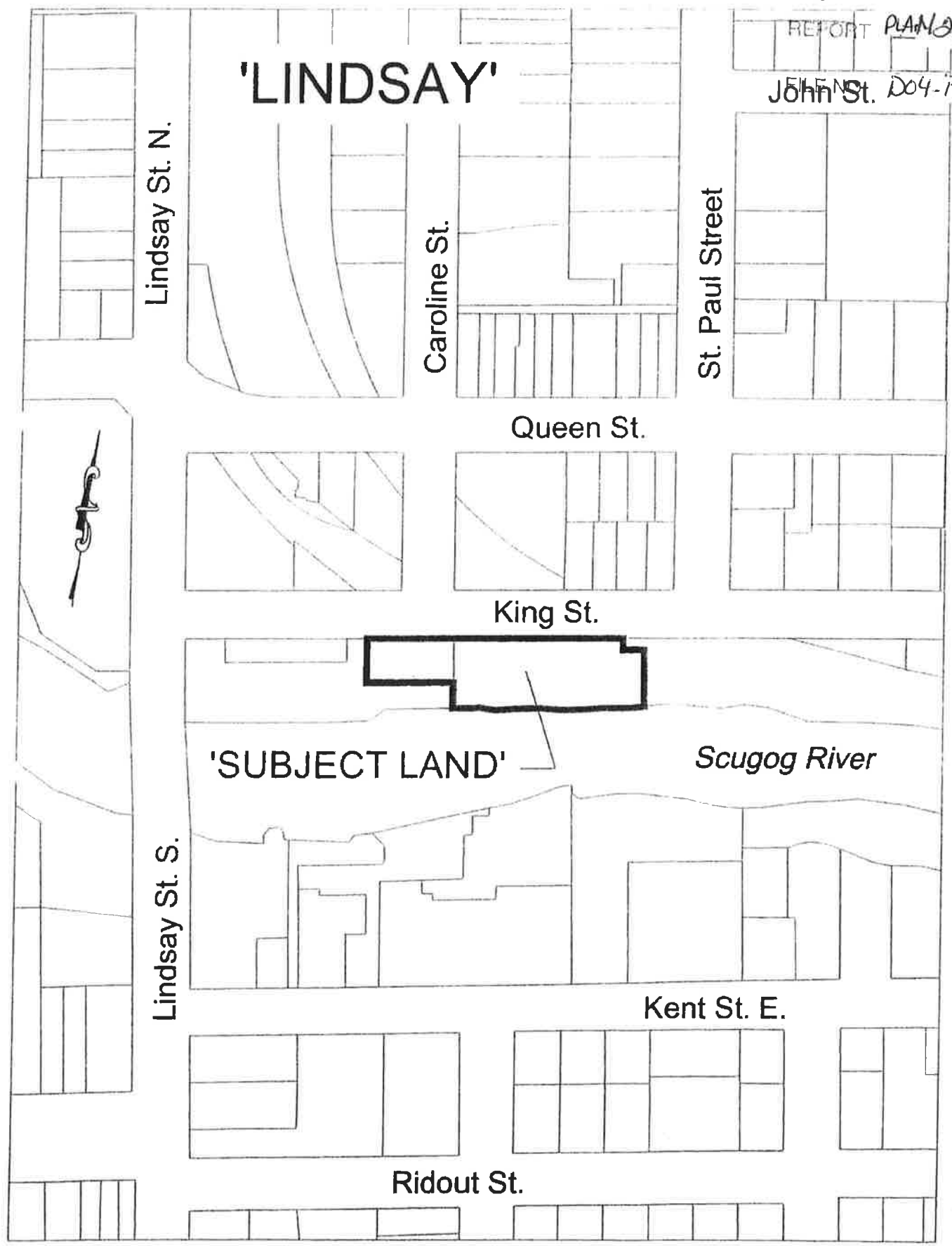
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**Phone:** 705-324-9411 ext. 1331

**E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D04-17-002





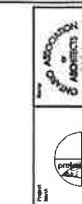
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**BRYTON CAPITAL MANAGEMENT**  
121 RICHMOND STREET W., SUITE 601  
TORONTO, ON M5H 1A1

**PYJAMA FACTORY LOFTS**  
25 KING STREET  
UNIVERSITY, ONTARIO, M5H 1G5

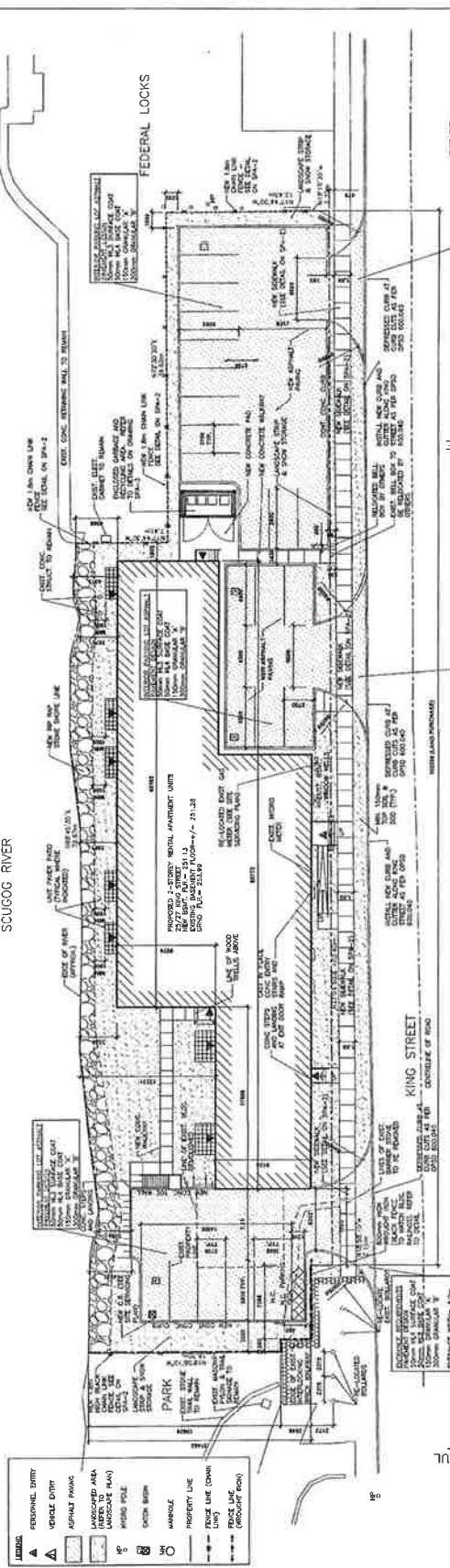
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As noted	

**SPA-1**

SCUGOG RIVER



CARROUSE STREET

KING STREET

ST. PAUL STREET

**SURVEY INFORMATION:**  
SURVEY INFORMATION TAKEN FROM PLAN OF LOTS 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 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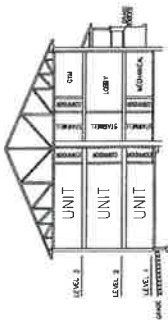


PLAN OF SURVEY OF  
THE EXTENT AND LOCATION OF  
THE EXCLUSIVE USE PORTIONS  
OF THE COMMON ELEMENTS  
ON LEVEL 1

SCALE 1 : 150

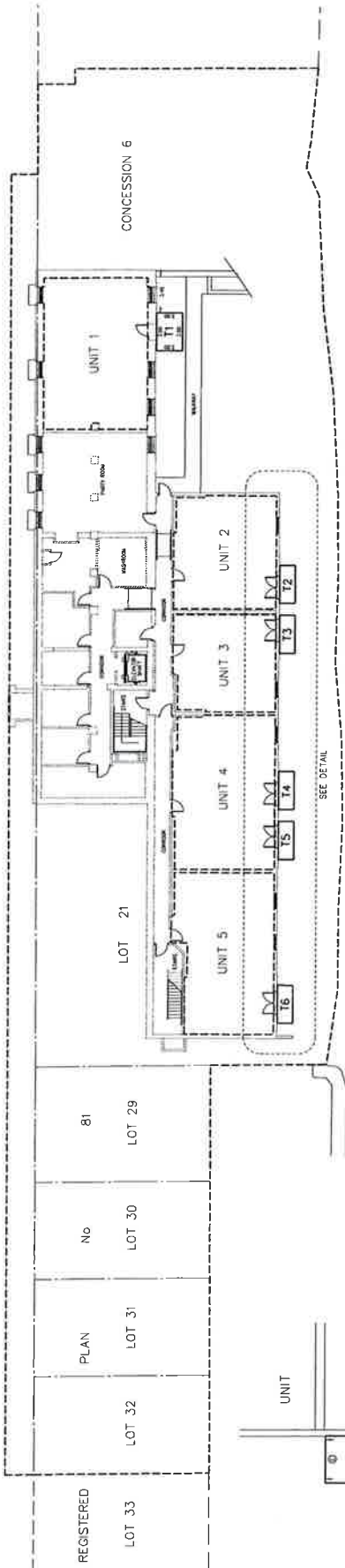
COE FISHER CAMERON

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REPRESENTATIVE SECTION SHOWING  
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(NOT TO SCALE)

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NOTES AND LEGEND

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SURVEYOR'S CERTIFICATE

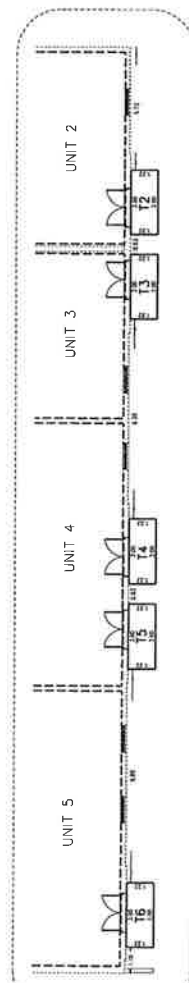
I HEREBY CERTIFY THAT THE PLAN OF SURVEY ACCURATELY  
SHOWS THE EXTENT AND LOCATION OF THE EXCLUSIVE USE PORTIONS  
OF THE COMMON ELEMENTS.

DATE

JOHN C.E. HEAT  
ONTOARIO LAND SURVEYOR

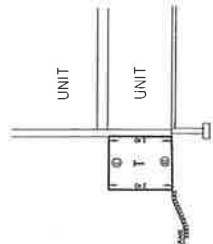


COE FISHER CAMERON	
A COMPANY INCORPORATED UNDER THE COMPANIES ACT OF ONTARIO	
PROJECT NO.	14-17-002-002
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PROJECT ADDRESS	14-17-002-002
PROJECT CITY	14-17-002-002
PROJECT PROVINCE	14-17-002-002
PROJECT COUNTRY	14-17-002-002

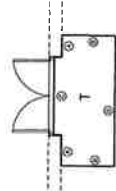


APPENDIX E  
DETAIL (NOT TO SCALE)

to  
REPORT PLAN2018-002  
FILE NO. D04-17-002



SECTIONAL VIEW ILLUSTRATING TYPICAL  
VERTICAL BOUNDARIES FOR EXCLUSIVE USE  
PATIO AREAS ON LEVEL 1  
(NOT TO SCALE)



PLAN VIEW ILLUSTRATING TYPICAL  
HORIZONTAL BOUNDARIES FOR EXCLUSIVE USE  
PATIO AREAS ON LEVEL 1  
(NOT TO SCALE)

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-011**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Regular Meeting**

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**Ward Community Identifier: 11**

**Subject:** Zoning By-law Amendment (D06-15-014) Application to the Town of Lindsay and Township of Ops Zoning By-law to change the zoning from the Residential Two Special Sixteen (R2-S16) Zone to Residential Two Special Thirty-Five (R2-S35) Zone and to amend the Residential Exception Three (R-3) Zone. The R2-S35 and amended R-3 zones will permit an open uncovered deck structure with a maximum height of 3.0 metres to extend not more than 4.25 metres into a rear yard setback for land municipally known as 85, 87, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 & 106 Cook Street, Lindsay/Township of Ops (Greg De Freitas on behalf of multiple landowners – Cook Street)

**Author and Title:** Mark LaHay, Planner II

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### **Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-011, “GREG DE FREITAS on behalf of multiple landowners - Cook Street, Application D06-15-014”, be received;

**THAT** a By-law to implement Zoning By-Law Amendment application D06-15-014 respecting a proposed amendment to the Town of Lindsay and Township of Ops Zoning By-laws for multiple lots on Cook Street, Former Town of Lindsay, and geographic Township of Ops, City of Kawartha Lakes, substantially in the form attached as Appendix “D” and “E” to Report PLAN2018-011, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

## **Background:**

The statutory public meeting was held by the Planning Committee on September 9, 2015, which adopted the following recommendation:

**Moved By** Councillor Breadner  
**Seconded By** Mayor Letham

**Recommend That** Report PLAN2015-075, **Greg De Freitas on behalf of Multiple Landowners - Cook Street - D06-15-014**, be received; and

**That** the application respecting the proposed Amendment to the Town of Lindsay and Township of Ops Zoning By-law, be referred back to staff for further review and processing, until such time that all comments have been received from circulated Agencies and City Departments and to continue to work with the applicant to satisfactorily address any concerns raised by circulated Agencies and City Departments, and in particular the Lot Grading and Drainage issues identified by the Engineering Division.

**CARRIED**

At the Council Meeting of September 22, 2015, Council adopted the following resolution:

**Moved By** Councillor O'Reilly  
**Seconded By** Councillor Dunn

**Resolved that** the Minutes of the September 9, 2015 Planning Committee Meeting be received and the recommendations adopted.

**CARRIED**

This report addresses that direction. At the December 6, 2017 Planning Advisory Committee Meeting, the Supervisor of Development Engineering brought forward Engineering Report ENG2017-027 recommending the Assumption of the Trails of Kawarthas Subdivision – Phases 3 and 4, in which it was noted that the outstanding planning matter relating to site specific zoning and the construction of decks on the subject lots has been resolved as the lot grading has been certified and there are no further engineering issues relating to the zoning requirements.

Greg De Freitas (Batavia Homes – Phase 3, Trails of the Kawarthas Subdivision) on behalf of multiple landowners on Cook Street had submitted a rezoning application to create a site specific zone on Lots 1-14, Plan 57M-793 and Lots 25-27, Plan 57M-779:

- to permit an open uncovered deck structure with a maximum height of 3.0 metres to extend not more than 4.25 metres into a rear yard setback. This will have the effect of reducing the required rear yard



setback from 7.5 m. to 3.25 m., which will only apply to accommodate larger elevated uncovered decks.

The subject properties are within a registered Plan of Subdivision. The lots are currently developed with single detached bungalow and 2-storey homes with walk-out basements and in order to accommodate larger elevated uncovered decks, the owner is seeking the proposed changes.

Owners: Multiple landowners for land municipally known as 85, 87, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 & 106 Cook Street (see Appendix “B”).

Applicant/Agent: Greg De Freitas (Batavia Homes – Phase 3)

Legal Description: Lots 1-14, Plan 57M-793 and Lots 25-27, Plan 57M-779, being Part of South ½ of Lot 18, Conc. 4, Former Town of Lindsay, City of Kawartha Lakes and/or being Part of North ½ of Lot 17, Conc. 4, Geographic Township of Ops, City of Kawartha Lakes.

Official Plan: “Residential” in the Town of Lindsay Official Plan in the Southwest Community Development Plan Area.

Zoning: “Residential Two Special Sixteen (R2-S16) Zone in the Town of Lindsay Zoning By-law 2000-75 and/or, “Residential Exception Three (R-3) Zone” in the Township of Ops Zoning By-law 93-30.

Lot Sizes: Range: 365.17 m<sup>2</sup> to 575.09 m<sup>2</sup>; Average: 413.11m<sup>2</sup> (MPAC)

Site Servicing: Full municipal services

Existing Uses: Residential, single detached homes

Adjacent Uses: North: Vacant Future Residential Lands, Open Space  
East: Low Density Residential  
South: Rural/Agricultural with Significant Woodlands and Unevaluated Wetlands  
West: Rural/Agricultural

## **Rationale:**

The subject properties are located on the westerly portion of Cook Street within the south west area of Lindsay (see Appendix “A”). The area is predominately residential. More residential development is anticipated in the future to the north. Each property has existing frontage on a municipally maintained road and on full municipal services.

A special exception zone is proposed in order to recognize and/or accommodate the development of larger open elevated decks on the lots, which are currently not permitted within the minimum 7.5m rear yard setback if the deck is over 1.8m

in height. The maximum height of elevated decks will be limited to 3m such that elevated decks would only be permitted with direct access from the ground floor and not the second floor of the 2-storey dwelling units.

### **Applicable Provincial Policies:**

The application and existing subdivision conforms to and is consistent with the 2017 Growth Plan for the Greater Golden Horseshoe (GPGGH) and the 2014 Provincial Policy Statement (PPS) relating to:

- promoting cost-effective and efficient development standards to minimize land consumption and servicing costs;
- contributes to creating complete communities;
- accommodating an appropriate range and mix of housing types to meet long term needs;
- using existing infrastructure; and
- contributes to intensification by establishing compact form.

### **Official Plan Conformity:**

The property is designated “Residential” in the Lindsay Official Plan (LOP). This designation permits all density and housing types. The subject lands are also within Area 3 - Southwest Community Development Plan Area, which permits low density residential development. Residential uses and accessory residential uses are anticipated uses in this designation. The application conforms to the Lindsay Official Plan.

### **Zoning By-law Compliance:**

The properties are zoned Residential Two Special Sixteen (R2-S16) Zone in the Lindsay Zoning By-law and/or Residential Exception Three (R-3) Zone in the Township of Ops Zoning By-law. The proposed reduced rear yard setback to accommodate an open uncovered deck structure with a maximum height of 3.0 metres does not comply with the existing zone provisions and therefore, an amendment was submitted for consideration.

### **Other Alternatives Considered:**

No other alternatives have been taken into consideration.

### **Financial/Operation Impacts:**

There are no financial impacts unless Council’s decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals, namely:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the healthy environment and exceptional quality of life strategic goals by creating more options for utilization of the available amenity space within the existing land area for each property owner.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

## **Servicing Comments:**

The lots are connected to full municipal services within the Lindsay municipal service area.

## **Consultations:**

Notice of this application was previously circulated to the prescribed persons within a 120 metre radius, agencies, and City Departments which may have an interest in the proposed application. A statutory public meeting was held on September 9, 2015. At the public meeting, the agent for the owners provided additional information and clarification regarding the application. No member of the public raised any concerns relating to the application. The following comments have been received:

### Agency Review Comments:

The Engineering Division previously advised that they were not in support of the proposed setback reduction. There were outstanding drainage issues pertaining to the lots along the south side of Cook Street. Engineering had been dealing with the developer to find a resolution to the drainage concerns. The grading at that time did not conform to the overall lot grading plan referenced in the registered subdivision agreement. In order to be in support of the proposed reduced setback, Engineering required the grading of those lots to be in conformance with the approved plan and certified by the Consulting Engineer. This issue has now been addressed - see Planning Division comments below.

The City's Water and Wastewater and Roads Divisions and Community Services Department advised they have no concerns.

The Kawartha Region Conservation Authority (KRCA) has previously advised from a significant woodland protection perspective, it is reasonable that decks may be permitted to protrude into the rear yards of these existing lots. The significant woodlands were not identified as such (i.e., did not have protection status) when the lots were created. In this particular case, an appropriate buffer should have been identified and implemented at the lot creation stage. Based on their understanding of the area and the nature of the request for a rear yard setback (i.e., deck within a minimum of 3 metres of the rear lot line), KRCA advises that an EIS would not be necessary. As the rear lot line corresponds with the remaining woodland boundary, KRCA encourages that a 3 metre wide area between decks and rear lot lines be maintained and/or enhanced wherever possible as a natural vegetative buffer to aid in the overall protection of the adjacent woodland area.

Alderville First Nation advised that they have no concerns.

The Hiawatha First Nation advised that the application is deemed to have little, if any, impact on their First Nation's traditional territory and/or rights. They have requested to be kept apprised any updates, archaeological findings, and/or of any environmental impacts, should they occur.

Curve Lake First Nation advised that they are currently not aware of any issues that would cause concern with respect to their Traditional, Aboriginal and Treaty rights.

#### Public Comments:

There were no public comments received at the time of writing of this report.

### **Development Services – Planning Division Comments:**

The applicant has submitted the rezoning application to recognize existing decks and/or provide flexibility to accommodate larger raised decks at the rear of the affected dwellings on the subject lots on Cook Street within the area recently developed by Batavia Homes (Phase 3). There is vacant residential zoned land to the rear of the subject lands on the north side of Cook Street separated by a walking trail and forested and rural agricultural land to the rear of the subject lands on the south side of Cook Street (see Appendix "C").

The topography of the subject lots slopes down to the rear of the properties, which result in walkout basements. With the exception of 96 and 98 Cook Street, which are 2-storey dwellings, all the other affected dwellings are bungalows. Most of the dwellings on the subject lots already have raised decks at the rear with access from the ground floor and the proposed amendments will likely have minimal impact on the residential function of any adjoining properties and it is in keeping with the character of the neighbourhood.

The proposed zoning amendment will only apply to decks equal to or greater than 0.6m in height. The decks will be limited to a height of 3m which would limit direct access to the ground floor of the dwellings and not permit second storey decks. The minimum rear yard setback of 3.25m would only apply to accommodate the larger elevated uncovered decks and would not permit a reduction in the building setback to accommodate enclosed space.

The impact of the decks will be minimized as the extent of the proposed rear yard setback reduction would typically only occur along a portion of the rear of the dwellings. The reduction in rear yard setback to accommodate the decks would be considered a normal and practical extension of the residential amenity space. The subject properties would otherwise be subject to all the other existing zoning requirements. The subject lots are large enough to support the proposed deck requirements and still provide room for normal maintenance and adequate amenity space.

In relation to the initial concern with the rezoning identified by the Engineering Department above, the Supervisor of Development Engineering has indicated through Engineering Report ENG2017-027, considered at the December 6, 2017 Planning Advisory Committee, that the grading for the subject lots has been certified by the developer and the Engineering and Corporate Assets Department has no further engineering issues related to the zoning requirements.


## **Conclusions:**

In consideration of the comments received and the previously identified Lot Grading and Drainage issues identified by the Engineering Division that have been now been satisfactorily addressed, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.

  
Appendix 'A'  
PLAN2018-011.pdf

  
Appendix 'B'  
PLAN2018-011.pdf

  
Appendix 'C'  
PLAN2018-011.pdf

  
Appendix 'D'  
PLAN2018-011.pdf

  
Appendix 'E'  
PLAN2018-011.pdf

Appendix 'A' – Location Map

Appendix 'B' – Address/Landowners List

Appendix 'C' – Aerial Photo

Appendix 'D' – Draft Zoning By-law Amendment (Town of Lindsay)

Appendix 'E' – Draft Zoning By-law Amendment (Township of Ops)

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D06-15-014

APPENDIX " A "  
to  
REPORT PLAN 2018-011

FILE NO. 1006-15-014



'Lindsay'

SUBJECT LAND  
(96 - 106 Cook St.)

COOK STREET

MCQUARRIE RD

SUBJECT LAND  
(85 - 105 Cook St.)

'Geographic Township of Ops'

Address	Legal Description	Roll Number	Owner (MPAC)
85 Cook Street	Lot 1, 57M-793	1651 020 001 08301	Bradamore & Seager
87 Cook Street	Lot 2, 57M-793	1651 020 001 08302	Phillips
89 Cook Street	Lot 3, 57M-793	1651 020 001 08303	Hollinger & Rietze
91 Cook Street	Lot 4, 57M-793	1651 020 001 08304	Downey
93 Cook Street	Lot 5, 57M-793	1651 020 001 08305	Carlson & Williamson
95 Cook Street	Lot 6, 57M-793	1651 020 001 08306	Allin
96 Cook Street	Lot 25, 57M-779	1651 020 001 08226	Gilmore
97 Cook Street	Lot 7, 57M-793	1651 020 001 08307	Dwyer
98 Cook Street	Lot 26, 57M-779	1651 020 001 08227	Nixon
99 Cook Street	Lot 8, 57M-793	1651 020 001 08308	Lymer & Code
100 Cook Street	Lot 27, 57M-779	1651 020 001 08228	Gerbis
101 Cook Street	Lot 9, 57M-793	1651 020 001 08309	Alexander & Graham
102 Cook Street	Lot 14, 57M-793	1651 020 001 08314	Baker
103 Cook Street	Lot 10, 57M-793	1651 020 001 08310	Noseworthy
104 Cook Street	Lot 13, 57M-793	1651 020 001 08313	Tanner
105 Cook Street	Lot 11, 57M-793	1651 020 001 08311	Gilroy
106 Cook Street	Lot 12, 57M-793	1651 020 001 08312	McMartin

APPENDIX " B "

to

REPORT PLAN 2010-011

FILE NO. 006-15-014



# Subject Lots (D06-15-014) Cook Street



- Legend**
- ☒ Road Centreline
  - ☐ Upper Municipalities
  - ☐ Upper Municipalities
  - ☐ Property ROLL#
  - ☐ Lots and Concessions

APPENDIX " C "

to

REPORT PLAN2018-011

FILE NO. D06-15-014

**Notes**  
Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.11 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes

**The Corporation of the City of Kawartha Lakes**  
**By-Law 2018-**

**A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75  
To Rezone Land Within The City Of Kawartha Lakes**

[File D06-15-014, Report PLAN2015-075 and PLAN2018-011, respecting Lots 1-6, and Lots 12-14, Plan 57M-793 and Lots 25-27, Plan 57M-779, former Town of Lindsay, identified as 85, 87, 89, 91, 93, 95, 96, 98, 100, 102, 104 & 106 Cook Street – multiple landowners]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to permit the construction of and/or recognize the development of larger open uncovered elevated decks on the lots, within the minimum 7.5 metre rear yard setback on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lots 1-6, and Lots 12-14, Plan 57M-793 and Lots 25-27, Plan 57M-779, former Town of Lindsay, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding Section 7.3.40 as follows:

**"7.3.40 R2-S35 Zone**

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R2-S35 the following requirements shall apply:

- i. The front yard setback shall be 6.0 metres;
- ii. The maximum lot coverage for all buildings shall be 45%;
- iii. An open uncovered deck equal to or greater than 0.6 m. above average finished grade and not more than 3 m. in height may extend not more than 4.25 m. into a rear yard setback area and in no case shall have a rear yard setback of less than 3.25 m."

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the "Residential Two Special Sixteen (R2-S16) Zone" to the "Residential Two Special Thirty-Five (R2-S35) Zone" for the land referred to as 'R2-S35', as shown on Schedule 'A' attached to this By-law.

**Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

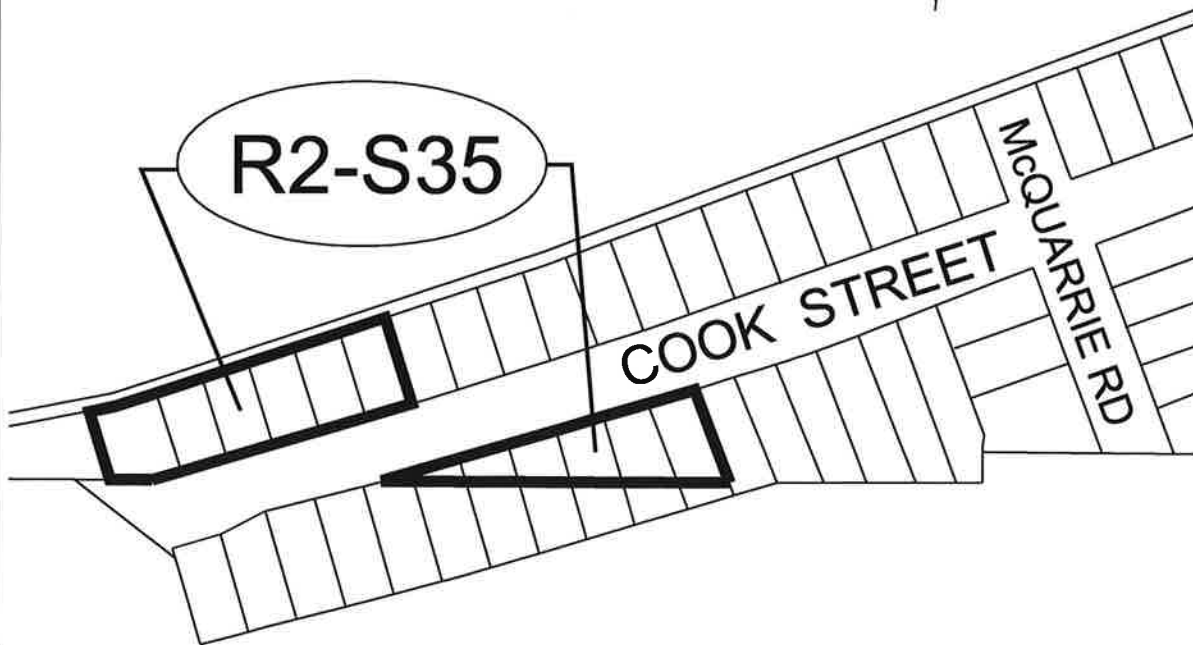
MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

'Lindsay'



R2-S35



'Geographic Township of Ops'

**The Corporation of the City of Kawartha Lakes**  
**By-Law 2018-**

**A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30**  
**To Rezone Land Within The City Of Kawartha Lakes**

[File D06-15-014, Report PLAN2015-075 and PLAN2018-011, respecting Lots 1-11, Plan 57M-793, geographic Township of Ops, identified as 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, & 105 Cook Street – multiple landowners]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to permit the construction of and/or recognize the development of larger open uncovered elevated decks on the lots, within the minimum 7.5 metre rear yard setback on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lots 1-11, Plan 57M-793, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended by deleting Section 7.3.3 and replacing it with the following:

**"7.3.3 Residential Exception Three (R-3) Zone**

Notwithstanding subsection 7.1.1, land zoned R-3 may only be used for a single detached dwelling.

Notwithstanding subsection 7.2, land zoned R-3 shall be subject to the following zone provisions:

Minimum Lot Area	360 sq. m.
Minimum Lot Frontage	12.0 m.
Minimum Front Yard Setback	6.0 m.
Minimum Exterior Side Yard Setback	3.0 m.
Minimum Interior Side Yard Setback	1.25 m.
Minimum Rear Yard Setback	7.5 m.
Maximum Building Height	10.5 m.
Maximum Lot Coverage of all Buildings	45%

An open uncovered deck equal to or greater than 0.6 m. above average finished grade and not more than 3 m. in height may extend not more than 4.25 m. into a rear yard setback and in no case shall have a rear yard setback of less than 3.25 m.

In all other respects, the provisions of the Residential (R) Zone shall apply."

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended for the land referred to as 'R-3', as shown on Schedule 'A' attached to this By-law.

**Section 2:00      Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

'Lindsay'



COOK STREET

McQUARRIE RD

R-3

'Geographic Township of Ops'

**The Corporation of the City of Kawartha Lakes**  
**Planning Advisory Committee Report**

**Report Number PLAN2018-012**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Subject:** Planning Approvals Task Force Recommendations Update

**Author and Title:** Chris Marshall, Director

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**Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-012, Planning Approvals Task Force Recommendations Update, be received.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

At the January 24, 2017 Council meeting the following resolution was adopted:

**RESOLVED THAT** Report DEV2017-001, **Planning Approvals Task Force Recommendations**, be received;

**THAT** staff be directed to implement the recommendations outlined in Report DEV2017-001 **Planning Approvals Task Force Recommendations**; and

**THAT** the Director of Development Services report to the Planning Committee and Council semi-annually, starting in June 2017, outlining the implementation status of the recommendations listed in Report DEV2017-001 **Planning Approvals Task Force Recommendations**.

**CARRIED**

The Director of Development Services provided the first update on Planning Approvals Task Force at the July 5, 2017 Planning Advisory Committee. The July 5, 2017 Report provided an update on the implementation of the recommendations from the Task Force for the period from January – June 2017. This report is the second update which is intended to cover the period from June to December 2017.

## **Rationale:**

The City of Kawartha Lakes continued to show signs of development growth in the second half of 2017. To show the rate at which development activity is growing in the City of Kawartha Lakes, staff included Planning and Building application summaries for 2015, 2016 and 2017.

## **Building Department:**

In 2017 we experienced a 15% increase of the yearly total dwelling permit numbers from 2016 and 67% increase of the yearly total for 2015. With the recent activity surrounding the three large development parcels in the northwest quadrant of Lindsay, the potential for these numbers to continue to rise over the next several years is quite possible.

With the implementation of a new software tracking system in 2017 resources were required to build, launch and implement the software. As a result, the applicant tools and guidelines recommended by the Task Force was delayed somewhat and work will occur in the 2018 calendar year to complete this task.



### Building Permits for New Residential – By Type

Type of unit	2015	2016	2017
<b>Total</b>	<b>210</b>	<b>298</b>	<b>352</b>
Singles	177	260	287
Semis	2	0	6
Towns	30	0	12
Apartments	1	38	47
mobile homes	0	0	0

Building and sewage permit numbers were up in 2017, over the previous two year average, by 11% and 19%, respectively.

### Building and Sewage System Permits

Permit type			2017	2015 year total	2016 year total
Building Permits			1241	1071	1161
Sewage Permits			341	265	307
Sewage Reviews			140	156	129

Building Division staff are continuing to process permits well above the provincially mandated expectation. In fact turnaround times are predominantly within the mandated timeframes even when applications are incomplete.

## Building Division Staffing

The Building Division is once again struggling to remain at full complement, at this time. However, with the addition of the two new positions in 2017 (Building and Zoning Intake Clerk and a second Part 8 Inspector for sewage system permits), as well as remaining staff stepping up to assist with workload relating to the vacancies, the processing timelines are not suffering.



## Planning Department

The Planning Department experienced a significant rise in a number of 2017 Planning Applications including a 24% increase in Consents (severances) from 38 to 47, a 78% increase in Site Plan applications from 9 to 16 and a 35% rise in Pre-Consultations from 64 to 87. These are important increases as the Site Plan applications are developments that are ready for construction and the large increase in Pre-Consultation applications points to an increase in development activity in the future.

<b>Application</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
Official Plan Amendment (D01)	8	7	10	4
Zoning By-Law Amendment (D06)	32	37	21	29
Minor Variance (D20)	49	57	72	50
Consent (D03)	47	38	34	54
Site Plan (D19)	16	9	7	24
Subdivisions and Redline Revision (D05)	4	5	10	2
Condominiums (D04)	2	1	0	0
Compliance Letters	468	561	508	547
Consent Inquiries	21	21	19	35
Pre-Consultation Applications (D38)	87	64	63	73

## **Task Force Recommendations**

The objective of the Planning Approvals Task Force was to improve customer service as well as streamline the planning and development approval processes, and implement strategies to accelerate growth and development in the City. In January of 2017 Council adopted a series of recommendations to help achieve these goals. The recommendations were broken into 4 main headings including:

1. Customer Service/Checklists;
2. Security Deposits and Application Guidelines
3. Communications
4. KRCA Process Improvements

Under each of these headings were a number of recommendations and a time frame to implement the recommendations. Below is a summary of the recommendations that were intended to be completed by the end of 2017:

### **1. Customer Service/Checklists**

The most common complaint from the public was the lack of customer service that was being provided by the Planning and Building Departments to the public. There is a perception of the public that staff has a negative or adversarial attitude, without care for the applicant. There is impatience when dealing with those not familiar with the process.

The application processes are seen as being very complicated and confusing and there was consensus that there needed to be more staff to work with the public and walk them through and explain the application process.

In order to resolve these concerns the Task Force recommended that:

- I. City Staff be required to take customer service Training:
  - As customer service was the most common complaint by the public, customer service training was set up for the Development Services staff and was completed in **December 2016**.

- Corporate-wide Customer Service Standards were also rolled out in December 2017. These standards identify recommended time frames for returning telephone calls and emails and proper etiquette for face to face interaction and meetings with the public. The Customer Service Standards states that customer calls are to be returned as soon as possible when they are received. As a general rule, telephone calls will be returned within two (2) business days. Regarding letters, customers will receive a response to a general inquiry within five (5) business days; and regarding email, customers will receive an initial response to an email inquiry within two (2) business days.

## II. Improvements to general inquiries:

- The Engineering Department has standardized the approach to serviceability inquiries (i.e. connections to water and sewer services) to ensure improvements to overall public inquiries.
- Planning Department staff is working on a policy of returning emails and phone calls within 48 hours. Even if staff are unable to deal with the email or phone call immediately, at the very least they are encouraged to let the customer know that they got the message and can't deal with their inquiry right away but will get back to them within a certain time frame with the answer.

## III. Two new staff members hired:

Two new staff were budgeted for and hired in 2017 including a new Building and Zoning Clerk and a Large Development Planner. The new Zoning Clerk was filled in April 2017 and has been a great addition as she has been able to handle many of the counter inquiries for the Planning and Building Departments and provide consistent interpretations of the Zoning Bylaws. This staff member is able to steer the general public to the right staff and departments for their inquiries and reduce some of the confusion that the public faces when it comes up to the Building and Planning Departments.

The second new staff person was hired in June 2017 and is responsible for the larger more complex development applications. The intent of this new staff member is to provide a dedicated staff member to the larger development and guide them through the application process. This will provide reduced processing times and better customer service.

## IV. Pre-Consultation Summary, Application Guides and Checklists

In order to clarify what the applicant will be expected to provide in terms of studies and plans with their application and provide some understanding of the fees they will incur, the Task Force is recommending that the following changes be made to the pre-consultation process:

- Provide outline of costs of application process and fees.
  - o This information is now being included in Pre-Consultation Reports.
- Provide a basic checklist of reports followed by project specific details. This will enable staff to understand the scope of the project and make a judgement call on whether particular professional studies are required or not.
  - o This information is now being included in Pre-Consultation Reports.
  - o Engineering Department comments are provided in writing to ensure that what has been discussed with the applicant from an engineering perspective is shared consistently.
- Communicate time frames for the various steps in the application process. The expectation is that applicants will not see the process as a delay if the timelines meet expectations set out at the outset of the application process.
  - o This information is now being included in Pre-Consultation Reports.
- Hold more pre-consultation meetings in order to reduce the backlog of applications.
  - o Instead of holding more pre-consultation meetings, staff has changed the length of the meetings from half day meetings to full day meetings. Instead of only being able to handle 6 pre-consultation applications a month with the half day meetings, the full day meetings allowed for the review of 10 pre-consultation applications. This took care of the backlog of applications but meant for very long days for staff. As of February 2018, staff are going to try two half day pre-consultation meetings which will be easier on staff and will enable a total of 12 pre-consultation applications to be reviewed each month.
- Enable applicants for minor applications to attend pre-consultation meetings via telephone conference to help streamline the process.
  - o Staff have used the telephone conference call on a number of occasions and are satisfied that this is an effective way of handling minor applications.

It was recommended that the application guides for each of the planning application processes be shorter and easier to read. It was suggested that staff look at the Township of Selwyn pamphlets as an example.

- The Planning Department hired two Planning Graduate students for the summer of 2017 and they rewrote four of the Planning application process guides with the intent of making them more lay person friendly and easier to follow and understand. The Draft Guides will be circulated to relevant staff and to the public for input before circulating final copies.
- The Engineering Department presented infrastructure guidelines and the subdivision development process to Planning Advisory Committee in August 2017. Information has been made accessible and placed on the City website.

#### V. Application Tracking System be Implemented

Presently when a member of the public phones in to complain about a pothole in the road or a ditch being over grown, customer service staff document the complaint, give it a number and send it to the appropriate department to deal with the complaint. With this type of tracking system the public can follow up on their issue and track its progress.

The Task Force recommended that a similar tracking system be put in place so that applicants can go on line punch in a tracking number and see what stage their application is at and who is responsible for the file. This would enable the applicant to follow the process and make staff more accountable for the timing of the application.

- On June 22, 2017 the Planning Department went live with a new software program called Cityworks. This program enables staff to store digitally all the information on properties including tracking for applications. At this stage the public is not able to access the information online but if an applicant calls to find out what stage their application is at, any staff member is able to call up the application on the computer and see which staff member is responsible for that file and exactly what stage the application is at. This will provide much better customer service as the applicant will get answers right away even if the Planner dealing with the application is on holidays or not available for whatever reason.

#### VI. Delegation of Authority

In order to help reduce redundancy and application processing time, the Task Force recommended that the Director of Development Services and the Mayor be given delegated authority in the draft plan approval motion by Council to execute the subdivision agreement once conditions of Draft Plan Approval are met. Presently, this subdivision agreement must be presented to Planning Committee and Council after the conditions of Draft Plan Approval are met, which can add approximately two months to the subdivision process.

- Staff has not been able to complete this recommendation as there was an OMB case related to this step in the subdivision process that needs to be researched before this delegation of authority can be adopted by Council.

## VII Pre-Servicing Agreements

The Task Force recommended that the Pre-Servicing Process be better defined.

- The Engineering Department has updated the Pre-Servicing Policy and revised the Pre-Servicing Agreement Template. These updates were reviewed at the July 5, 2017 Planning Advisory Committee Meeting and the Pre-Servicing Agreement Template has been updated.
- Engineering Department clarified the model home building process in the Subdivision Guide and clarification has been included in the new pre-servicing agreement template.
- All updates have been received and approved through Planning Advisory Committee and Council.

## **Transfer of Review Process – Ministry of the Environment and Climate Change**

- The City of Kawartha Lakes entered into a Transfer of Review Program agreement with the MOECC for Type “A” works. The City has pursued an update to this agreement with the MOECC for additional stormwater management reviews. The new agreement is being drafted by MOECC. This new process will save the applicants months in processing time as the City’s Engineering staff will be able to review the drainage plans much more quickly than Ministry Staff

## **Financial Securities and Application Costs (Appendix D)**

Staff completed a survey of application fees with comparable municipalities for Planning applications and Building Permits and our fees were fairly similar to the other municipalities. The Task Force did not see any need to raise or lower the application fees and the public did not say that application fees were an issue. Although the application fees are comparable, it was recommended that the fees be adjusted on a sliding scale to acknowledge the size or complexity of the application.

- Staff adjusted a number of the Planning applications to address this recommendation. There are now “Minor” and “Major” Zoning and Official Plan amendment application fees.



## Security Deposits

The Task Force heard from a number of builders and developers that all of the costs of development were requested at the beginning of the development process prior to any of the vacant lots, houses or apartments being sold.

## Development Charge Deferral Policy

To better align developers' costs and cash flows, and thereby encourage development, the Task Force recommended that a Development Charge Deferral Policy be adopted to enable the payment of development charges to be deferred. This policy was adopted at the September 20, 2016 Council meeting. Subject to a maximum deferral period of 3 years, the policy gives developers/builders a number of options, including:



(a) Deferral to Condominium Registration and Occupancy: For residential condominium buildings, development charges for units occupied prior to condominium registration are payable at time of registration; otherwise, they are payable at time of occupancy.

(b) Deferral by Phase-In: For high-density residential buildings, development charges for each half of the units are payable at 1.5 and 3 years, respectively, after time of development agreement.

(c) Deferral to Occupancy: For low-density residential buildings (e.g. single-detached homes), development charges are deferred to time of occupancy.

(d) Deferral to Building Permit Issuance: For any building, development charges are deferred to time of building permit issuance.

The deferral of Development Charges provides substantial relief to the development industry. For instance, in 2017 a developer building a 75 unit condominium would have previously paid 75 times \$13,133/unit, or almost a million dollars, at the time of building permit issuance. This would especially be burdensome during the early stages of development as proceeds from condominium unit sales must be held in trust until registration. Now the condominium developer can defer development charge payments over time to registration and occupancy, aligning payment and cash flow timelines.

- This new policy has made it possible for a number of developments to proceed. For example the new apartment buildings (The Railway Lands)

that have started construction on Victoria Street were able to get started as a result of this new policy.



The Railway Lands under construction.

## Communications

### External:

Develop multi-platform approach that includes traditional and social media approaches to effectively communicate externally the new customer service standards and helpful tools available for residents and developers.

- A new website for the City was completed in July of 2017. This new website provides better tools for the public to get information.
- The new Cityworks software will enable faster, clearer and more accurate information to the customers.

### Internal:

- a) Better use of technology/software to ensure effective communication by or between departments throughout a project, including outside agencies involved in the project.
  - The new Cityworks software that was incorporated into the Planning and Building Departments will help to coordinate all information on properties and make sure everyone is on the same page and providing the same information to the customers.
  - The Engineering and Planning Departments host Wednesday morning coordinating meetings to try and centralize discussions on Planning Applications and/or grading issues through building permits.
  - Development Review Team Meetings are held with staff from all development related departments and the KRCA to discuss upcoming Planning Applications.

- b) Alignment of Economic Development Department with Building & Planning Departments to help promote particular areas for growth.
- The Planning Department is more consistently including the Economic Development Department staff in pre-consultation meetings with applicants and including their input on Planning Application reports.
  - The new Economic Development Strategy adopted in July 2017 emphasizes the need for better collaboration between the Planning and Economic Development Departments.

**Advocacy for Development with Government Agencies:**

- a) Increase advocacy efforts with MTO on both the staff and political levels to find solutions to help facilitate development along provincial highways.
- Staff has taken a more active role in advocating for solutions with outside agencies. A good example of this is the work that Planning Staff did bringing together staff from MTO, KRCA, Mason Homes, and City Staff to resolve the Fill Permit for the Mason Homes lands at the Corner of Colborne and Highway 36.

**Kawartha Region Conservation Authority Process Improvements**

From the Kawartha Conservation perspective, here are some points that can be added to the 6 month follow-up report for the Planning Approvals Task Force:

**Dedicated Support to CKL Planning Files**

- Hiring of qualified Professional Planner (OPPI/ CIP) allows KRCA to utilize staff resources effectively so that planning applications and processes (e.g. Pre-consultation meeting, comments pertaining to Planning Act applications) within the CKL are dealt with in a timely and professional manner; at the same time, it allows the Director of Planning, Development and Engineering to focus on CKL priority projects which are critical to economic development in the area (e.g. Large Fill Permit for Mason Homes, expansions to servicing capacity and Official Plan Review);
- Completion of new draft floodplain mapping (Bobcaygoen, Dunsford Creek, Burnt River) will lead to open houses in the Spring of 2018 and will help to inform municipal planning documents and provide precise information to land owners and potential developers on flood hazards in these areas.

### **Permit Process Timing Improvements**

- The timing of Permit processes is reported to the KRCA Board of Directors on a monthly basis. Statistics reveal;
  - a notable improvement in Permit process timing since the fall of 2016.
  - an increase in total Permits issued by the KRCA in the past three years from 290 permits in 2015 to 461 Permits in 2017.

### **Customer Service Process Improvements**

- KRCA has doubled the number of pre-consultation meetings (now weekly) to prevent clients from having to wait any more than a few days to meet with Staff in order to discuss the development potential of their lands.
- KRCA has (in direct response to discussions with the development industry) instituted a new “Letter of Permission” as an on-the-spot Permit issued following a pre-consultation meeting for minor development activities within the Regulated Area; and
- KRCA continue to optimize the use of electronic and internet technologies, wherever possible, to simplify Permit application submission, payment and sign-off processes as well as in providing Planning comments to our Municipal partners in a timely fashion.

### **Other Alternatives Considered:**

There were no other alternatives considered in this report.

The establishment of the Task Force was intended to provide an open and transparent venue for development and public stakeholders to provide inputs and advice to improve the City’s planning approval processes.

City staff also capitalized on this opportunity to review and improve processes and efficiencies, while educating the public and development stakeholders of legislated and risk management process requirements. Council and the City are committed to implementing ongoing process improvements and efficiencies, priority infrastructure supporting growth, and investment attraction efforts to realize forecasted growth in the City.

The Director of Development Services is committed to reporting to the Planning Advisory Committee semi-annually to provide updates on the implementation status of the recommendations of the Task Force, and other ongoing and planned process improvements and major growth-supporting special projects.

## **Financial/Operation Impacts:**

The implementation of the Planning and Development Task Force recommendations is already providing financial benefits to the City of Kawartha Lakes. This is seen in the increases in Planning and Building applications which translates to more jobs, building supplies, customers for businesses, and taxes, development charges and application fees to the City.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

Council adopted the Strategic Plan identifying the following Strategic Goals namely:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This report aligns with the vibrant and growing economy Strategic Goal as it outlines the ways in which the City can be better positioned to take advantage of the growth in development that is taking place now and into the future.

## **Consultations:**

The following Departments and Agencies were consulted for this report:

Building Department  
Planning Department  
Engineering Department  
Economic Development Department  
Kawartha Lakes Conservation Authority

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Ron Taylor, CAO

**Department File:** D00-99

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-015**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Regular Meeting**

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**Ward Community Identifier: 14 - Emily**

**Subject:** An application to amend the Township of Emily Zoning By-law 1996-30 to replace the Environmental Protection (EP) Zone across the shoreline of the subject properties with the Rural Residential Type One Exception Four (RR1-4) Zone existing on the balance of 37 Wispi Shore Road and the Rural Residential Type One Exception Five (RR1-5) Zone existing on the balance of 45, 57 & 61 Wispi Shore Road on property legally described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes (CAMERON, OSMOND, GRATZ, DEVERS & ASHMEADE)

**Author and Title: Mark LaHay, Planner II**

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### **Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-015, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, Application D06-17-008, be received;

**THAT** a By-law to implement Zoning By-Law Amendment Application D06-17-008 respecting a proposed amendment to the Township of Emily Zoning By-law for property described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, substantially in the form attached as Appendix "D" to Report PLAN2018-015, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The statutory public meeting was held by the Planning Committee on April 5, 2017, which adopted the following recommendation:

**Moved By** Councillor Stauble

**Seconded By** Councillor Veale

**RECOMMEND THAT** Report PLAN2017-017, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, Application No. D06-17-008, be received;

**THAT** Zoning By-law Amendment Application D06-17-008, Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and issues related to compliance with Official Plan waterfront policies have been addressed.

**CARRIED**

At the Council Meeting of April 18, 2017, Council adopted the following resolution:

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Macklem

**RESOLVED THAT** the Minutes of the April 5, 2017 Planning Committee Meeting be received and the recommendations be adopted.

**CARRIED**

This report addresses that direction.

The subject properties are shoreline residential lots on the westerly side of Pigeon Lake, and each lot contains a dwelling. Residential accessory structures (sheds) exist on 45, 57 and 61 Wispi Shore Road within the area to be rezoned. The owners are proposing to remove the approximately 30 metre wide Environmental Protection (EP) Zone strip located across the shoreline portion of their properties and replace it with the Rural Residential One Exception Zoning existing on the balance of their properties in order to permit waterfront accessory structures such as boat houses and docks. An illustration of the proposed area to be rezoned is attached to this report as Appendix "C". The properties slope gently from the road towards the shoreline and consist of groups of mature trees and manicured lawns down to the shoreline.

**Owners:** John and Patricia Cameron (37 Wispi Shore Rd.), Bernard and Elaine Osmond (45 Wispi Shore Rd.), Michael and Annika Gratz (57 Wispi Shore Rd.), and James Devers & Sharon Ashmeade (61 Wispi Shore Rd.)

**Applicant:** Kent Randall, c/o EcoVue Consulting Services Inc.

**Legal Description:** Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4

**Official Plan:** "Waterfront" in the City of Kawartha Lakes Official Plan. A small drainage channel along the south edge of 61 Wispi Shore Road is designated with "Environmental Protection"

**Zoning:** Environmental Protection (EP) across shoreline (all) Rural Residential Type One Exception Four (RR1-4) Zone (37 Wispi Shore Road); Rural Residential Type One Exception Five (RR1-5) Zone (45, 57 & 61 Wispi Shore Road), in the Township of Emily Comprehensive Zoning By-law 1996-30

**Lot Sizes:** 10,198 sq. m. (2.52 ac. - MPAC)

**Site Servicing:** Private Individual Wells and Septic Disposal Systems

**Adjacent Uses:** North, South: Shoreline Residential  
East: Pigeon Lake  
West: Wispi Shore Road/Rural-Agricultural

## **Rationale:**

The subject property is located within a shoreline residential neighbourhood on the westerly shore of Pigeon Lake; see Appendices "A" and "B". The applicant has submitted the following in support of the application:

1. Planning Justification Report, dated October 7, 2016, prepared by EcoView Consulting Services Inc. The report discusses and assesses the proposal in context of the Growth Plan, 2014 Provincial Policy Statement, and City Official Plan.
2. Conceptual Zoning Sketch dated October 3, 2016, prepared by EcoVue Consulting Services Inc.
3. Concept Sketch with Shoreline Development dated April 6, 2017, prepared by EcoVue Consulting Services Inc.
4. Concept Sketch illustrating existing shoreline water setbacks dated July 17, 2017, prepared by EcoVue Consulting Services Inc.

Supporting documentation was circulated to the applicable Agencies and City Divisions for review and comment. Staff has reviewed the Planning Justification Report in support of the proposed amendment and generally accepts the planning rationale given. Staff has evaluated the proposal including a more detailed review of existing accessory structures and impacts of potential new



development together with any other further responses from other City Departments and/or commenting Agencies.

## **Applicable Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The subject property is located within a rural land area as defined in the Growth Plan, 2017. The Growth Plan directs development to settlement areas except development related to the management or use of resources, resource based recreational activities and rural land uses that are not appropriate within settlement areas. The application conforms to the Growth Plan in that the proposed rezoning will permit limited shoreline structures that are accessory to the existing resource based recreational dwellings for a recreational resource-based activity related to the Pigeon Lake and will also provide for a natural vegetated area along the shoreline to restore ecological features and functions. Therefore, the application appears to conform to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The application is consistent with the PPS, as prescribed in the following sections:

Section 1.1.4, Rural Areas in Municipalities, recognizes the importance of rural lands, natural heritage features and areas and other resource areas and building upon rural character and leveraging rural amenities and assets.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings). Accessory shoreline structures, such as boat houses and/or docks, would further promote the exiting resource based recreational use. Sections 1.1.5.2, 1.1.5.3, 1.1.5.4 permits the development of resource-based recreational uses which are compatible with the rural landscape. The existing dwellings are resourced based recreational uses that functionally relate to Pigeon Lake.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in significant natural heritage features or within the habitat of endangered species and threatened species. After conducting a site visit with the initial preconsultation application in February 2016, the Kawartha Region Conservation Authority concluded that an Environmental Impact Study was not required, suggesting that the proposed application should not result in negative impacts to the natural environment.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. It appears that the existing

residential development on the properties including accessory structures are located outside the flood elevation contour of Pigeon Lake. Kawartha Conservation permitting policies direct development outside of flood hazards, with the exception of boat houses and shoreline works. There does not appear to be any natural or human-made hazards associated with these applications.

The application appears to be consistent with the PPS in that it would permit limited construction of boat houses and docks which are related to the use of a recreational resource in an area of established shoreline residential development and would not appear to result in negative impacts to the natural environment.

### **Official Plan Conformity:**

The properties are all designated “Waterfront” with the exception of a drainage channel along the south side of 61 Wispi Shore Road, which is designated “Environmental Protection” in the City of Kawartha Lakes Official Plan. The proposed rezoning does not affect the Environmental Protection designation. The Waterfront land use designation provides for accessory uses to low density seasonal and permanent residential uses adjacent to lakes. The Official Plan also permits the construction of boat houses and docks within the 30 metre water setback.

At this time, no specific plans have been provided for any proposed boat houses; however, the proposed implementing zoning amendment will limit the extent of the existing shoreline frontage that will be affected as the permissions intended to be given for new development will also establish that a natural vegetation buffer be provided to augment the shoreline area to balance or compensate for any potential impact of new development.

Supporting policies include Section 3.11, Water Setback and Accessory Uses, which speaks to establishing a vegetation protection zone and natural buffer area, Section 20.2, Waterfront Designation Objectives, speaks to protection water surface quality through shoreline naturalization efforts, Section 20.3.7 Waterfront Designation Policies, state that natural form and function shall dominate and naturalized or naturally vegetative shorelines shall be retained or restored where possible and Section 20.3.10 with respect to density suggests there should be provisions to address lot coverage to ensure proportionality including relating lot coverage to the buildable area adjacent to the shoreline. Furthermore, Section 20.5 pertaining to Density and Massing speaks to maintaining an appropriate balance between natural and built form, limiting shoreline activity areas, retaining as much shoreline vegetation as possible and retaining tree cover and vegetation to uphold the environmental integrity of the waterfront.

The shoreline areas of the subject properties are presently disturbed with armour stone, manicured lawns, docks, accessory structures, etc. In order to bring the shorelines into compliance with the Official Plan, Staff is recommending that compensation be provided in the form of re-naturalization of the shoreline as a

trade off for the proposed docks and boat houses that would be permitted with the applications. This would include a maximum area of 25 per cent of the shoreline frontage to be disturbed for boat houses, docks and other amenities with a requirement that the remaining shoreline area be re-naturalized to be in conformity with the Official Plan. This policy is intended to be implemented through the proposed zoning by-law amendment.

### **Zoning By-Law Compliance:**

The properties are zoned Rural Residential Type One Exception Four (RR1-4) Zone (37 Wispi Shore Road) and Rural Residential Type One Exception Five (RR1-5) Zone (45, 57 & 61 Wispi Shore Road), and the strip across the easterly portion of the properties abutting the shoreline is zoned Environmental Protection (EP) Zone. The EP Zone does not permit residential accessory buildings or structures, or any structure, other than structures for flood and erosion control and docks. The applicant has submitted an application for a zoning by-law amendment to remove the EP Zone category to permit residential accessory buildings and/or structures such as boat houses. The intent of the EP Zone was to protect the waterfront area from development and ensure that it is left in its natural state. The proposed Rural Residential Type One Exception (RR1-\*) Zone requires a 30 m setback from the water but would permit limited development in the form of docks and boat houses. In order to achieve the original intent of the EP Zone, the proposed zoning includes provisions to restrict how much of the waterfront is disturbed and how much is required to be in the form of a natural vegetation buffer.

A previous site visit has confirmed that there are accessory structures, such as storage sheds that exist within the 30 metre water setback. As these structures have not been captured in the application, they will need to be recognized within the proposed zoning by-law. The existing general provisions in the zoning by-law permit a maximum of three accessory buildings or structures, which shall not exceed total lot coverage of 225 sq. m. (2,422 sq. ft.).

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations for the City, unless Council's decision respecting the approval or refusal of the application is appealed to the Ontario Municipal Board. In the event of an appeal, should Council direct staff to defend its decision, there would be costs.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

The application aligns with the Exceptional Quality of Life and Healthy Environment priorities in that the proposal would provide for additional water-based recreational opportunities, while improving shoreline protection by limiting development and promoting a natural vegetation buffer.

## **Servicing Comments:**

The subject properties are serviced with Private Individual Wells and Septic Disposal Systems. The Building Division, Part 8 Sewage Systems Program has no objection to the application. Applications for any new development are required through the sewage system program prior to construction.

## **Consultations:**

Notice of this application was previously circulated to the prescribed persons within a 500 metre radius, agencies, and City Departments which may have an interest in the proposed application. A statutory public meeting was held on April 5, 2017. At the public meeting, the agent for the owners provided additional information and clarification regarding the application. No member of the public raised any concerns relating to the application. As of the writing of this report, staff has received the following comments:

### Agency Review Comments:

The Building Division advised on March 13, 2017 that they have no concerns.

The Engineering Division advised on March 14, 2017 that they have no objection.

The Building Division – Sewage System Program advised on March 15, 2017 that they have no objection to the proposed zoning amendment.

The Community Services Department advised on March 17, 2017 that they have no concerns or comments.

The Kawartha Region Conservation Authority (KRCA) advised on March 22, 2017 that they would foresee no issue with the approval of this application based on their consideration for natural hazards, natural heritage and water quality and quantity protection policies. The applicants should be aware that the entirety of the subject properties fall within areas regulated by the KRCA and specifically includes:

- All properties are within 120 metres of Pigeon Lake #15 Provincially Significant Wetland

- Portions of the properties adjacent to Pigeon Lake with an elevation lower than 246.9 mASL which are considered to be within the regulatory floodplain
- A mapped watercourse that is present on the southern boundary of #61 Wispi Shore Road

As such, a permit is required from their office for any development activities including new structures (e.g. boat houses, sheds, docks) regardless of size and any site alteration including shoreline works (e.g. armour stone).

Parks Canada – Trent Severn Waterway (TSW) initially advised on April 4, 2017 that they could not fully support the application at that time noting concerns with the introduction of structures that may impact on access to the narrow channel fronting these properties as well as impact on the adjacent Provincially Significant Wetland. In this regard, the introduction of an in-water boat house or dock that projects out into the water would not be permitted at these locations. An up-land boat house or a dock running parallel to the shoreline would be considered subject to the submission of an application for full review. The comments from TSW also noted that any changes to the shoreline would be reviewed with consideration to the sensitive environmental concerns of the wetlands and the possible habitat for wild rice growth.

Parks Canada – Trent Severn Waterway (TSW) has since advised on February 1, 2018 after reviewing additional rezoning correspondence and the proposed draft zoning by-law amendment, that they are satisfied with the requirements.

The Mississaugas of Scugog Island First Nation advised on April 7, 2017 of a concern when they and representatives of the Williams Treaties and Parks Canada visited another property along Wispi Shore Road where a resident wished to remove wild rice in front of their residence. They of the Williams Treaties were not in support of that and continue to monitor projects that may have the ability to erode shorelines and ultimately encroach into wild rice beds, a resource that the Treaty #20/Williams Treaties First Nations never relinquished and that they continue to manage, harvest and protect.

#### Public Comments:

There were no public comments received at the time of writing of this report.

#### **Development Services – Planning Division Comments:**

Planning Staff has reviewed the applicant's planning justification report and generally concurs with its analysis and recommendations. The proposed zoning by-law amendment application appears to be consistent with the Provincial Policy Statement and appears to conform to the 2017 Growth Plan for the Greater Golden Horseshoe. Conformity with the City of Kawartha Lakes Official Plan (2012) will be established with respect to waterfront policies relating to shoreline naturalization with the proposed implementing zoning by-law amendment.

Parks Canada – Trent Seven Waterway have reviewed additional zoning correspondence and a revised draft zoning by-law amendment as proposed, and appear to be satisfied with the requirements. With respect to comments from the Mississaugas of Scugog Island First Nation, the proposed zoning by-law amendment will restrict shoreline disturbance for development purposes while requiring the remaining shoreline be re-naturalized to be in conformity with the Official Plan, providing additional protection for wild rice habitat.

## Conclusion:

In consideration of the comments received and the previously identified issues with Official Plan waterfront policies that have been addressed, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2018-015.pdf



Appendix 'B'  
PLAN2018-015.pdf



Appendix 'C'  
PLAN2018-015.pdf



Appendix 'D'  
PLAN2018-015.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Concept Rezoning Sketch illustrating existing structures

Appendix 'D' – Draft Zoning By-law Amendment

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head** Chris Marshall, Director of Development Services

**Department File:** D06-17-008

# GEOGRAPHIC TOWNSHIP OF EMILY

CON. 11

APPENDIX "A"  
to  
REPORT PLAN 2018-015  
FILE NO. 006-17-008

Pigeon Lake Rd. (K.L. Rd. 17)

Lot 19

Marsh

Marsh

Pigeon Lake Rd.

Lot 18

CON. 10

Wispi Shore Rd

37

45

57

61

SUBJECT LAND

PIGEON LAKE



# 37, 45, 57 & 61 Wispi Shore Road (Emily)



## Legend

- Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- Property ROLL#
- Lots and Concessions
- ANSI
- Wetlands
  - Locally Significant Wetlands
  - Provincially Significant Wetlands
- Water Body
  - Waterbodies
  - Unevaluated Wetlands
- Woodland
  - CKL\_PSW
  - CKL\_River\_Buff15m
  - KRCA Regulated Areas

APPENDIX " B  
to  
REPORT PLAN2018-015  
FILE NO. 006-17-008

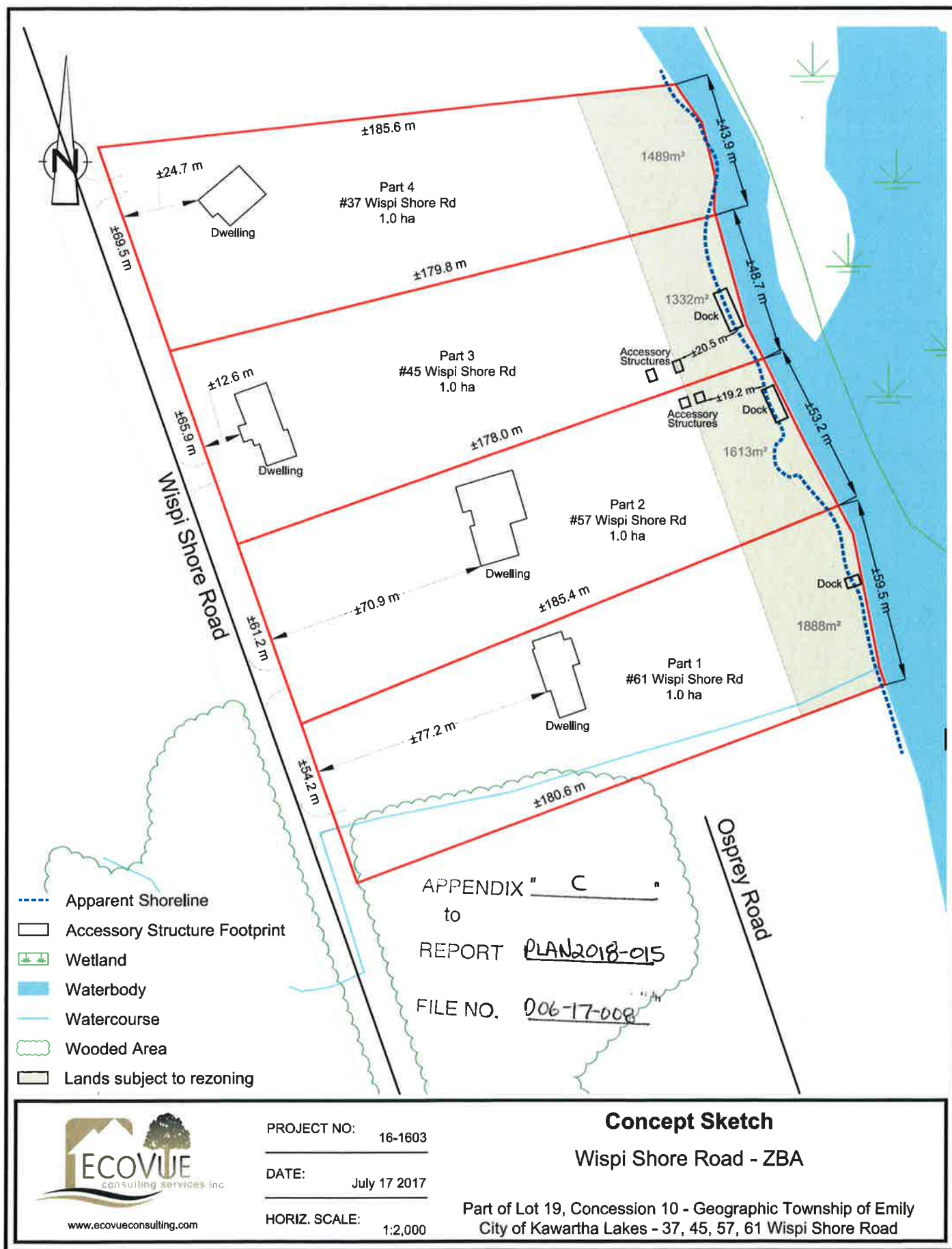
## Notes

Scale: 1:3000

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

0.15 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes





**The Corporation of the City of Kawartha Lakes**FILE NO. D06-17-008**By-Law 2018 -****A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-17-008, Report PLAN2017-017 and PLAN2018-015, respecting Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes, identified as 37, 45, 57 and 61 Wispi Shore Road – CAMERON, OSMOND, GRATZ, DEVERS & ASHMEADE]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to remove an approximately 30 metre wide Environmental Protection Zone strip located across the shoreline portion of the properties and replace it with the Rural Residential Type One Exception Zone existing on the balance of the properties in order to permit waterfront accessory structures such as boat houses and docks within a defined area and to allow the balance of the shoreline area to regenerate into a natural vegetation buffer.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 19, Concession 10, 57R-5049, Parts 1 to 4, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 10.3:

"10.3.4.2 Notwithstanding article 10.2.1.3 (e), land zoned "RR1-4" shall be subject to the following zone provisions:

  - a. Land within the minimum water setback shall be subject to the following additional requirements:
    - (i) All land within the 30 m minimum water setback shall be maintained as a natural vegetation buffer. Within the natural vegetation buffer no maintenance, including cutting, shall occur to the existing lawn in order to permit the natural regeneration of vegetation to facilitate ecological succession.
    - (ii) Notwithstanding 10.3.4.2 (a)(i) an area comprising a length no greater than 25% of the shoreline lot frontage, and a depth the span of the minimum water setback may be maintained as landscaped open space in order to provide recreational amenity space and access to Pigeon Lake.
    - (iii) Existing structures within the minimum water setback, as of the date of passing of this by-law, that are authorized by a Conservation Authority or Parks Canada – Trent Severn Waterway, having jurisdiction, are permitted.
    - (iv) Notwithstanding Sections 3.1.5.1 and 3.1.5.2, the erection of a dock parallel to the shoreline, a pump house and a boat house within the landscaped open space area identified within 10.3.4.2(a)(ii) is permitted.

- (v) Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided that the approval of any other approval authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures."

1.03 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 10.3:

"10.3.5.2 Notwithstanding article 10.2.1.3 (e), land zoned "RR1-5" shall be subject to the following zone provisions:

- a. Land within the minimum water setback shall be subject to the following additional requirements:
  - (i) All land within the minimum 30 m water setback shall be maintained as a natural vegetation buffer. Within the natural vegetation buffer no maintenance, including cutting, shall occur to the existing lawn in order to permit the natural regeneration of vegetation to facilitate ecological succession.
  - (ii) Notwithstanding 10.3.5.2 (a)(i) an area comprising a length no greater than 25% of the shoreline lot frontage, and a depth the span of the minimum water setback may be maintained as landscaped open space in order to provide recreational amenity space and access to Pigeon Lake.
  - (iii) Existing structures within the minimum water setback, as of the date of passing of this by-law, that are authorized by a Conservation Authority or Parks Canada – Trent Severn Waterway, having jurisdiction, are permitted.
  - (iv) Notwithstanding Sections 3.1.5.1 and 3.1.5.2, the erection of a dock parallel to the shoreline, a pump house and a boat house within the landscaped open space area identified within 10.3.5.2(a)(ii) is permitted.
  - (v) Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided that the approval of any other approval authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures."

1.04 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following definition to Part 2:

"NATURAL VEGETATION BUFFER means an area comprised of natural vegetation that shall not be disturbed by human landscape management or horticultural activities save and except for the removal of dead trees, which are in an unsafe condition."

1.05 **Schedule Amendment:** Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the "Environmental Protection (EP) Zone" across the shoreline of the subject properties to the "Rural Residential Type One Exception Four (RR1-4) Zone" existing on the balance of 37 Wispi Shore Road and to the "Rural Residential Type One Exception Five (RR1-5) Zone" existing on the balance of 45, 57 & 61 Wispi Shore Road for the land referred to as 'RR1-4' and 'RR1-5', as shown on Schedule 'A' attached to this By-law.

**Section 2:00     Effective Date**

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

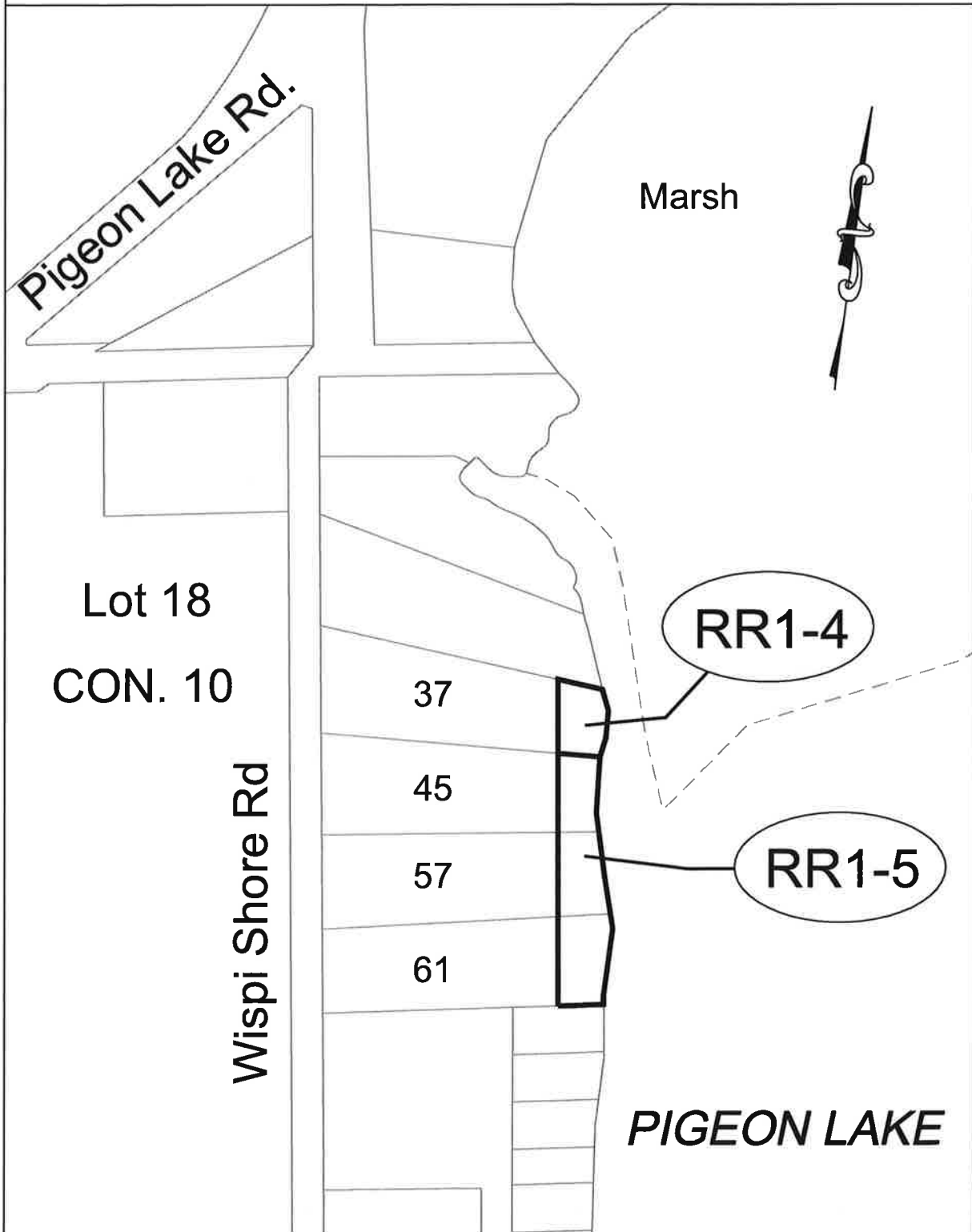
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



GEOGRAPHIC TOWNSHIP OF EMILY

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-016**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Regular Meeting**

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**Ward Community Identifier:** Ward 13 – Bobcaygeon

**Subject:** An application to amend the Village of Bobcaygeon Zoning By-law to add a microbrewery as a permitted use and amend the development standards for the property identified as 30 King Street East, Bobcaygeon (Nichol)

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-016, respecting **Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, “Nichol – Application D06-17-030”**, be received;

**THAT** the zoning by-law amendment respecting application D06-17-030, substantially in the form attached as Appendix ‘C’ to Report PLAN2018-016, be approved and adopted by Council;

**THAT** in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The statutory public meeting was held by the Planning Advisory Committee on December 6, 2017 and following resolution was passed:

### **PC2017-049**

**Moved By** Mayor Letham

**Seconded By** Councillor Miller

**Recommend That** Report PLAN2017-067, respecting **Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, Nichol – Application D06-17-030**, be received; and

**That** Report PLAN2017-067 respecting Application D06-17-030 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**CARRIED**

This report is in response to that direction.

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Central Commercial (C1) Zone” to a “Central Commercial Exception \*\* (C1-S\*\*) Zone” on this property. The intent of the change is to permit a microbrewery as a permitted use, and to amend some of the development standards for the property subject to this application. The “C1” zone permits a range of similar commercial uses, including bakeries, restaurants, soda fountains, lunch counters, and liquor licenced establishments. A microbrewery is not a permitted use in any zone category. As such, a site-specific rezoning is required.

Owner:	Scott Nichol
Applicant:	Landmark Associates Limited – Darryl Tighe
Legal Description:	Plan 11, Range 7 Part of Lot 9 East William Street, former Village of Bobcaygeon
Designation:	“Urban Settlement Area” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan; subject to the “Urban” designation policies of the Victoria County Official Plan
Zone:	“Central Commercial (C1) Zone” on Schedule ‘A’ of the Village of Bobcaygeon Zoning By-law No. 16-78
Lot Area:	659.0 sq. m. [6,970.0 sq. ft. – MPAC], of which the entire site is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply

Existing Uses: Vacant Retail Commercial Store With Dwelling Unit Above  
Adjacent Uses: North: Trinity United Church; Low Density Residential  
East: Commercial Plaza  
South: King Street East; LCBO; Commercial Plaza; Beer Store  
West: William Street; Commercial; Residential

## **Rationale:**

The property is located on the northeast corner of King Street East and William Street, in the central area of Bobcaygeon. See Appendix 'A'. It contains an existing two storey stone building on the southwestern portion of the property, and a detached garage on the northwestern portion of the property. The revised proposal would convert the existing building to a microbrewery use, with the construction of a one storey addition on the north side of the existing building. The detached garage would be used for storage space, and the driveway and parking would traverse the eastern and northern portion of the site. See Appendix 'B'.

The original concept has been amended, to reduce the request for some of the reliefs being sought through the Zoning By-law amendment, and to bring the design into alignment with other City By-laws, including By-law 2017-151, A By-law to Regulate Access to Municipal Right of Ways. As not all of the technical issues have been addressed to date, including confirmation that the lot grading and drainage will not impact on abutting properties or the municipal road right-of-way, a Holding (H) provision has been introduced.

The applicant has submitted a Planning Justification Report (PJR); a Functional Servicing Report (FSR); an amended Zoning By-law Amendment Concept Sketch and covering letter noting the modifications and rationale; and a Topographic Survey in support of the application. Staff has reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. The Engineering and Corporate Assets Department have reviewed the Functional Servicing Report (FSR); and Kawartha Region Conservation Authority (KRCA) has reviewed the Topographic Survey filed in support of this application.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Bobcaygeon. The development will be serviced by the existing municipal roads, sewage, water and stormwater services. This application facilitates the efficient use of existing building stock within a designated settlement area.



Therefore, this application conforms to the policies of the GP.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Redevelopment and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development is not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

The applicant will be required to address stormwater management to the satisfaction of the City, for this application to be consistent with the PPS. At this time, the applicant is preparing a submission which must address this criteria, consistent with the PPS.

### **Official Plan Conformity:**

The lot subject to this proposal is located in the “Urban Settlement Area” designation in the City of Kawartha Lakes Official Plan (City OP), which requires the designations and associated land use policies of the Victoria County Official Plan (VCOP) apply until such time as the Bobcaygeon Secondary Plan (SP) is in force and effect. The “Urban” designation in the VCOP allows residential, recreational, institutional, cultural, commercial, and industrial uses, and development should proceed on the basis of the full range of municipal services provided.

Based on the location of this property, it is located in the business core area, which includes King Street East between Bolton Street (to the west) and the Legion (to the east). The ‘General Commercial’ policies shall also apply to this property. The predominant use of land in the ‘General Commercial’ shall be retail and service commercial facilities including retail and service operations, clubs, places of amusement and recreation, and institutional uses. Dwellings shall also be permitted.

Section 5.3 of the VCOP encourages expanding and diversifying commercial developments to promote employment opportunities, and encourages the redevelopment of urban areas. The PJR notes that the proposal conforms to the

relevant policies of the VCOP and maintains compatibility with surrounding land uses. Planning staff accept this analysis.

### **Zoning By-Law Compliance:**

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned “C1” zone in the Village of Bobcaygeon Zoning By-law 16-78. The application, as proposed, would implement a site-specific “C1-S13” zone which permits the use of the property for a microbrewery, and recognizes site-specific development standards for the property. The applicant has amended the proposed development standards as indicated in the table below. Staff is providing an alternate recommendation in the draft By-law amendment, attached as Appendix ‘C’. Both the applicant proposed and staff proposed standards are shown in comparison to the existing “C1” zone standards in the table as follows:

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
Definition (in Section 2): “Microbrewery” means	None	“A building or part thereof used for the brewing and retail sale of beer for public consumption on or off the premises; and includes the following as accessory uses: areas for sampling, retail display and retail sales”.	As requested. Definition to be added to Section 2 of the By-law
“C1” zone uses (in Section 11.1)	A range of commercial uses	Add a microbrewery as a permitted use	As requested. Use added to “C1-S13” zone
Minimum lot area (in Section 11.2)	N/A	658.0 sq. m.	Not included – Default to “C1” zone
Minimum lot frontage (in Section 11.2)	N/A	18.7 m.	Not included – Default to “C1” zone
Minimum front yard (in Section	Nil	5.5 m.	Not included – Default to “C1”

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
11.2)			zone
Minimum easterly side yard (in Section 11.2)	Nil (abutting commercial use)	8.8 m.	Not included – Default to “C1” zone
Minimum westerly side yard (in Section 11.2)	Nil (abutting roadway)	0.0 m.	Not included – Default to “C1” zone
Maximum lot coverage (in Section 11.2)	60 %	30 %	35 % - Current proposal has approximately 33% lot coverage
Maximum number of dwelling units (in Section 11.3)	6	Not noted	Maximum of 1, due to parking reduction
Minimum rear yard – detached garage (in Section 3.1 b.)	1.2 m.	0.35 m.	Not included – Existing accessory structure legal non-complying. Default to “General Provisions” for new construction
Minimum interior side yard – detached garage (in Section 3.1 b.)	1.2 m.	10.8 m.	Not included – Default to “General Provisions” for new construction
Minimum flankage yard – detached garage (in Section 3.1 b.)	0.0 m.	0.50 m.	Not included – Default to “General Provisions” for new construction
Minimum Parking Requirements based on existing and proposed building area (in Section 3.13 a.)	A total of 11 spaces are required for all permitted uses, based on the Planning analysis	Requested: 6 (A minimum of 6 on-site spaces. A municipal parking lot is located within 85 m. of the subject lot).	A minimum of 6 spaces are required for the proposed uses
Minimum Loading	1 loading space is	Requested: 1	1 loading space

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
Space Requirements based on existing and proposed building area (in Section 3.14)	required for all permitted uses, based on the Planning analysis. It can be an existing parking space.	space equal to one parking space	equal to one parking space with 2.75 m. width; 5.8 m. length; and 15.95 sq. m. area
Loading Space Location (in Section 3.14)	Not on land that is a highway or street	Utilizing a proposed parking space	Not included – Default to “General Provisions” which allows use of one of the parking spaces as a loading space
Landscaping Between Commercial zone and “O2” zone (in Section 3.15 a.)	Not less than 6 metres width; is reduced to 3 metres where a berm or opaque fence, 2 metres in height are constructed in conjunction with the landscaping	A 0 metre landscape buffer is requested	No reduction to the minimum required landscape buffer (*NOTE: Unless it can be demonstrated to the satisfaction of the City that lot grading and drainage can be properly handled with a reduced buffer)
Accessible parking space provisions (no applicable Section)	N/A (defaults to Site Plan Guide)	3.6 m. width; 6.0 m. length; 21.6 sq. m. area	3.6 m. width; 5.8 m. length; 1.2 m. aisle width
Definition of “Parking Space” (in Section 2.92)	Not less than 2.5 m. width and 17 sq. m. area	2.75 m. width; 5.80 m. length; 15.95 sq. m. area	2.75 m. width; 5.80 m. length; 15.95 sq. m. area
Access Driveway (no applicable Section)	N/A	3.0 m width	Not included – No dimension required in By-law
Holding Provision (in Section 3.25)	N/A	Only existing legal uses as of	As requested. Removal of

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
		the date of passing of the By-law. Removal of the hold subject to satisfying lot grading and drainage issues to the satisfaction of the City	holding provision subject to the satisfaction of the City based on lot grading and drainage and stormwater issues

Staff note that some of the requested provisions to be amended do not require amendment, such as lot area and frontage, as the “C1” zone category does not provide minimums. In addition, the existing detached accessory structure was constructed circa 1950 (MPAC), and would therefore be legal non-complying. Staff do not recommend reducing setbacks for the existing accessory building, as this would provide reduced setbacks “as a right”. The “General Provisions” section of Zoning By-law 16-78 provide certain rights for legal non-complying buildings or structures to be repaired and/or added to.

As the previously requested lot grading and drainage details have not been provided by the applicant as of the date of preparing this report, a holding symbol (H) has been applied to the proposed amendment. This is at the request of the applicant, to facilitate returning to the February Planning Advisory Committee (PAC) meeting, with the anticipation of a proposed By-law being presented to Council for approval. The holding symbol is subject to the applicant submitting lot grading and drainage details which satisfy the City with respect to stormwater management for the site. In the absence of this information, staff cannot determine if it will be appropriate to reduce the minimum landscape buffer as requested. Staff anticipate that the applicant will submit the appropriate plans for consideration, prior to the PAC meeting.

The proposed concept of the new development has not changed since the application was submitted. Through a full zoning compliance review, additional minor development standards have been identified which require relief in the proposed respective zone categories. Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

The “C1-S13” exception zone would recognize site-specific development standards for the proposed microbrewery use, and all other provisions of the “C1” zone will apply.

## **Other Alternatives Considered:**

The applicant has provided an alternative to include a Holding (H) provision which requires that all lot grading and drainage issues are resolved to the satisfaction of the City, prior to Council's consideration of removing the (H).

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with all three strategic goals as it provides for a stronger more diversified economy, enhances tourism, improves walkability, and can utilize low impact development to retrofit the site.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented through the Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

## **Servicing Comments:**

The lot is connected to full municipal services within the Bobcaygeon municipal service area.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting was held on December 6, 2017. As of February 2, 2018, we have received the following comments:

### Agency Review & Public Comments:

November 6, 2017	The Building Division has no concerns with this application.
November 15, 2017	The Community Services Department has no concerns.
December 12, 2017	The Kawartha Region Conservation Authority (KRCA) has confirmed based on a topographic survey that this property is located outside the floodplain and outside the regulated area. No KRCA permits are required for the proposed development.
January 31, 2018	The Engineering and Corporate Assets Department has previously reviewed the FSR and provided a list of requirements to be addressed on November 16, 2017. A lot grading and drainage design submission which addresses the stormwater management requirements is needed.

### **Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2017 Growth Plan, and with the proposed holding symbol (H), will be consistent with the 2014 Provincial Policy Statement. Conformity with the City's Official Plan has also been demonstrated. The rezoning will facilitate the development of a microbrewery with a residential apartment above on the lot. All other zoning provisions within the "C1" zone will be maintained.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

#### Appendix 'A' – Location Map



PLAN2018-016  
Appendix A.pdf

## Appendix 'B' – Zoning By-law Amendment Concept Sketch – February 1, 2018



PLAN2018-016  
Appendix B.pdf

## Appendix 'C' – Proposed Zoning By-law Amendment



2018.02.14  
PLAN2018-016 Apper

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D06-17-030



APPENDIX " A "  
to  
REPORT PLAN 2018-016  
FILE NO. D06-17-030

'Bobcaygeon'

William Street

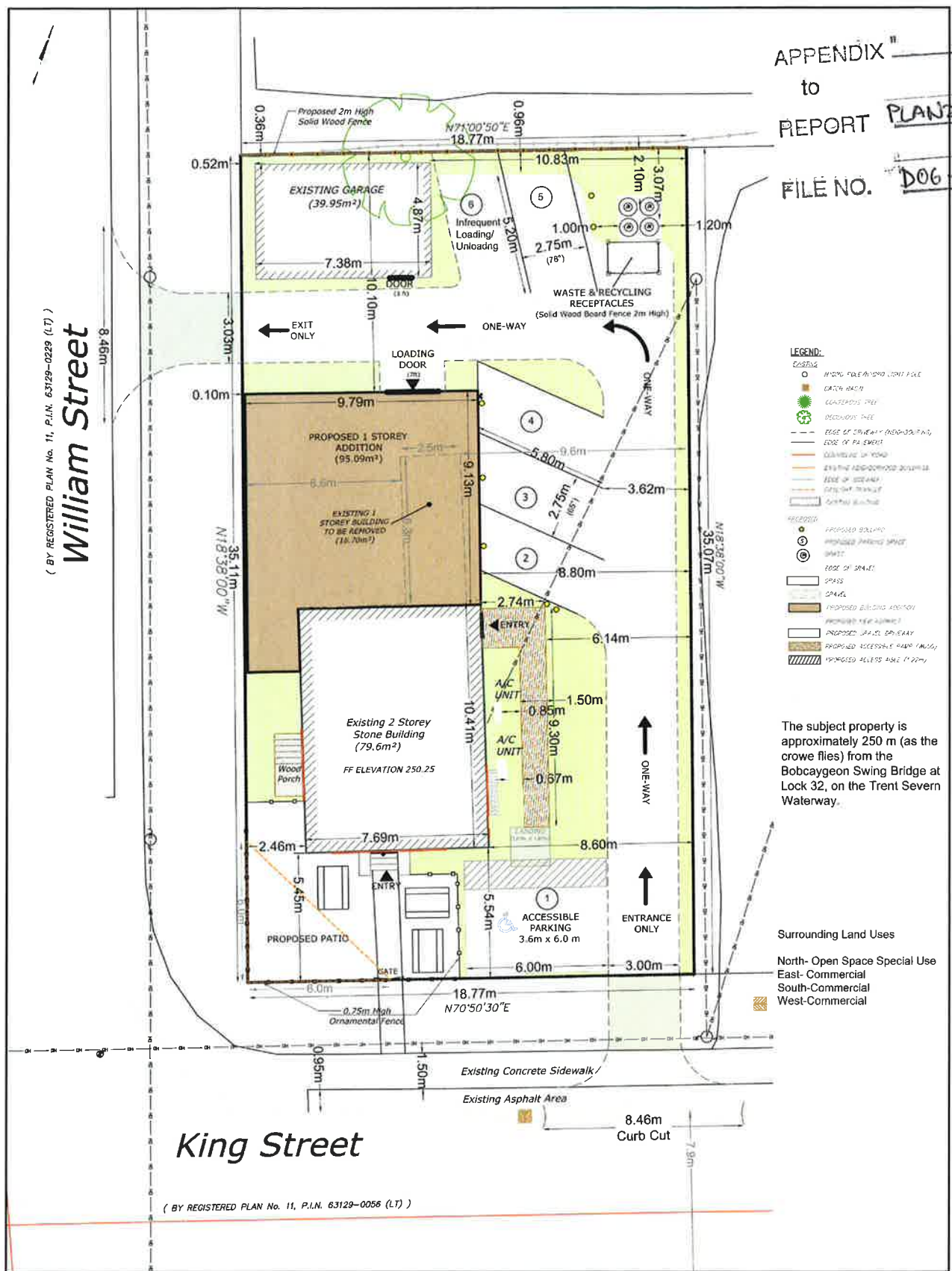
Need Street

SUBJECT LAND

King Street East



APPENDIX **B**  
 to  
 REPORT **PLAN 2018-016**  
 FILE NO. **DOG-17-030**



The subject property is approximately 250 m (as the crow flies) from the Bobcaygeon Swing Bridge at Lock 32, on the Trent Severn Waterway.

**OLD DOG BREWING COMPANY  
 ZONING BY-LAW AMENDMENT  
 CONCEPT SKETCH  
 30 KING STREET EAST  
 FORMER VILLAGE OF BOBCAYGEON  
 NOW IN THE CITY OF KAWARTHA LAKES**

Scale 1:150 metres



Amended February 2018  
 September 2017

# The Corporation of the City of Kawartha Lakes

## By-Law 2018 -

### A By-Law To Amend The Village of Bobcaygeon Zoning By-Law No. 16-78 To Rezone Land Within The City Of Kawartha Lakes

[File D06-17-030, Report PLAN2018-016, respecting Plan 11 Range 7 Part of Lot 9 East of William Street, former Village of Bobcaygeon, identified as 30 King Street East – NICHOL]

#### Recitals:

1. Sections 34 and 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a microbrewery use, and to amend the development standards on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.

#### Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Plan 11 Range 7 Part of Lot 9 East of William Street, former Village of Bobcaygeon, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 16-78 of the Village of Bobcaygeon is further amended by adding the following definition and renumbering Section 2 accordingly:

**“MICROBREWERY** means a building or part thereof used for the brewing and retail sale of beer for public consumption on or off the premises; and includes the following as accessory uses: areas for sampling, retail display and retail sales”

1.03 **Textual Amendment:** By-law No. 16-78 of the Village of Bobcaygeon is further amended to add the following section to Section 11.5:

“m. Notwithstanding Sections 11.1, 11.2 b., 11.3, 3.13 a., 3.14, and the definition of ‘Parking Space’ in Section 2.92, on land zoned C1-S13 the following requirements shall apply:

- i) A microbrewery shall be a permitted use;

"C"  
2/3

- ii) Maximum lot coverage 35 %
- iii) Maximum number of dwelling units 1
- iv) For the microbrewery use listed in i) above in conjunction with the permitted dwelling unit, the minimum number of parking spaces for both uses together shall be six (6)
- v) A minimum of 1 loading space equal to one parking space not less than 2.75 m. in width and not less than 15.95 sq. m. in area. Provided that this loading space shall be counted as part of the total number of parking spaces as required by iv) above
- vi) A parking space shall have a minimum width of 2.75 m., a minimum length of 5.8 m., and a minimum area of 15.95 sq. m. A parking space used for accessible parking purposes shall have a minimum width of 3.6 m, a minimum length of 5.8 m., and an aisle with a minimum width of 1.2 m.

All other requirements of the By-law shall apply to land zoned C1-S13.

On land zoned C1-S13(H), the removal of the holding symbol "(H)" shall be in accordance with the following:

- Site development drawings including a lot grading and drainage plan addressing stormwater management have been submitted for review and approved by the City of Kawartha Lakes"

- 1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 16-78 of the Village of Bobcaygeon is further amended to change the zone category from the Central Commercial (C1) Zone to the Central Commercial Special Thirteen Holding [C1-S13(H)] Zone for the land referred to as 'C1-S13(H)', as shown on Schedule 'A' attached to this By-law.

## Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

