

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2018-05

Wednesday, May 9, 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.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	PLAN2018-040	3 - 10
	An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road (Muirhead) David Harding, Planner II	
3.2	PLAN2018-041	11 - 19
	An application to amend the Village of Omemee Zoning By-law 1993-15 (Foley) Mark LaHay, Planner II	
4.	Business Arising from Public Meeting	
5.	Deputations	
6.	Correspondence	
7.	City of Kawartha Lakes Reports	
7.1	PLAN2018-039	20 - 35
	Secondary Plans Appeals Update Leah Barrie, Policy Planning Supervisor	
7.2	PLAN2018-044	36 - 49
	Information Report on the Local Planning Appeal Tribunal Anna Kalnina, Planner II	
8.	Adjournment	

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-040

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 8 - Mariposa

Subject: An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road (Muirhead)

Author and Title: David Harding, Planner II

Recommendations:

Recommend that Report PLAN2018-040, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, and identified as 408-422 Ranch Road, Muirhead – Applications D01-2018-003 and D06-2018-011, be received; and

That the proposed Official Plan and Zoning By-law Amendments respecting Applications D01-2018-003 and D06-2018-011, 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:

Legal/Other:

Chief Administrative Officer:

The applicant has submitted concurrent Official Plan and Zoning By-law Amendment applications to permit an existing single detached dwelling (422 Ranch Road) on approximately 0.54 hectares of land to be severed from the balance of the agricultural property, which is approximately 40.2 hectares. The balance of the agricultural property contains a second dwelling and agricultural buildings (408 Ranch Road).

The owner advises that the second dwelling unit was constructed for their special needs son, to allow him opportunity to live independently while in close proximity to the family. Since his passing, the second dwelling is no longer required.

Owner:	Ann Muirhead
Applicant:	Kent Randall, EcoVue Consulting Services Inc.
Legal Description:	Part of Lot 17, Concession 3, geographic Township of Mariposa
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Proposed Severed: 0.54 hectares Proposed Retained: 40.2 hectares
Site Servicing:	Proposed Severed: Private individual well and septic system Proposed Retained: Private individual well and septic system
Existing Uses:	Agricultural/Forest
Adjacent Uses:	North: Agricultural, Rural Residential South, East, West: Agricultural, Forest/Wetland

Rationale:

The subject property is located within an agricultural area, and contains an agricultural operation: the property is largely cultivated, and also contains a vacant barn and other agricultural buildings shown in Appendix 'B'.

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 Justification Report prepared by Kent Randall, EcoVue consulting Services Inc., dated November 21, 2017. This document analyses the appropriateness of permitting the proposed severance.
2. Agricultural Impact Assessment prepared by Bob Clark of Clark Consulting Services dated September 15, 2017. This document analyses the impacts the proposal may have to agricultural operations.

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.

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

Provincial Policy Statement, 2014 (PPS):

Section 1.1.4.1 provides for the development of economic opportunities within prime agricultural areas that are compatible with the rural landscape.

Section 2.3 requires the long term protection of prime agricultural areas for agricultural use. In order to enable these protections, Sections 2.3.3.3 and 2.3.4.1 require new lots to comply with the minimum distance separation formulae, and prohibits the creation of residential lots except when the dwelling is considered surplus to the farming operation as a result of a farm consolidation.

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 support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

The Official Plan does not permit the creation of a residential lot on lands within the Prime Agricultural designation unless it is to sever a dwelling which is surplus to a farm operation as a result of a farm consolidation. This policy is consistent with provincial policy. The applicant has applied to create an exception to this Official Plan policy.

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 Mariposa Zoning By-Law 94-07. 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 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 Local Planning Appeals Tribunal. 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 does not specifically align with any component of the Strategic Plan.

Servicing Comments:

Both dwellings on the subject property are serviced by separate wells and sewage disposal systems.

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 Engineering and Corporate Assets Department and Enbridge Gas Distribution raised no concerns as a result of circulation. No comments were received from the public.

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. At this time, comments have not been received from all circulated agencies and City Departments, and a thorough review of the supporting documentation has not been undertaken.

The Agricultural System for the Greater Golden Horseshoe, a document providing supplementary direction to the Growth Plan, also identifies the subject property as prime agricultural lands. The City is currently conducting a legal review to determine the applicability of this supplementary document.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Official Plan and Zoning By-law Amendment applications 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
PLAN2018-040.pdf

Appendix 'B' – Sketches for Application



Appendix B to
PLAN2018-040.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-040.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

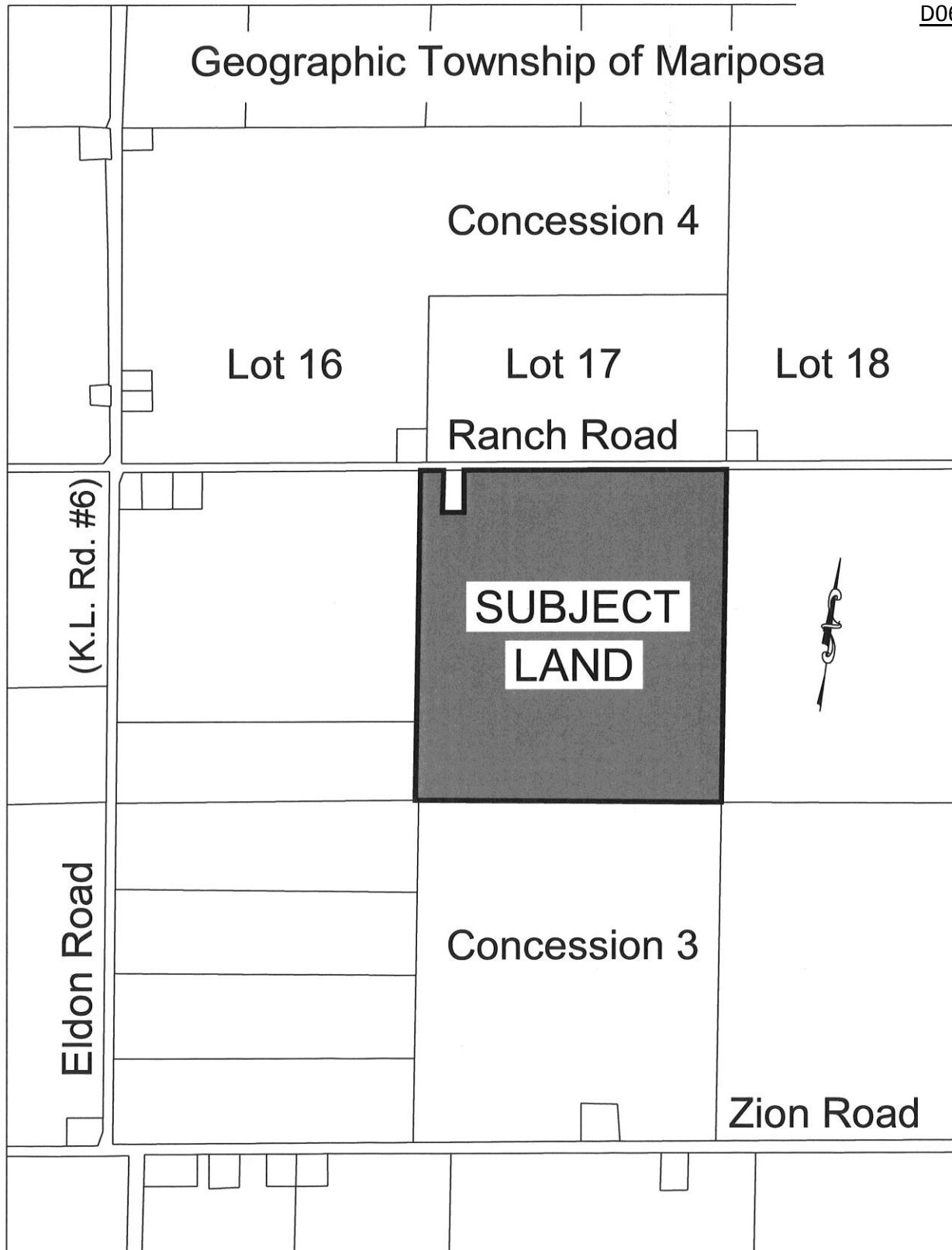
Department Files: D01-2018-003 and D06-2018-011

to

REPORT PLAN2018-040

FILE NOS: D01-2018-003

D06-2018-011



to

REPORT PLAN2018-040

FILE NOS: D01-2018-003

D06-2018-011

408-422 Ranch Road, geographic Township of Mariposa



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.



0.46 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

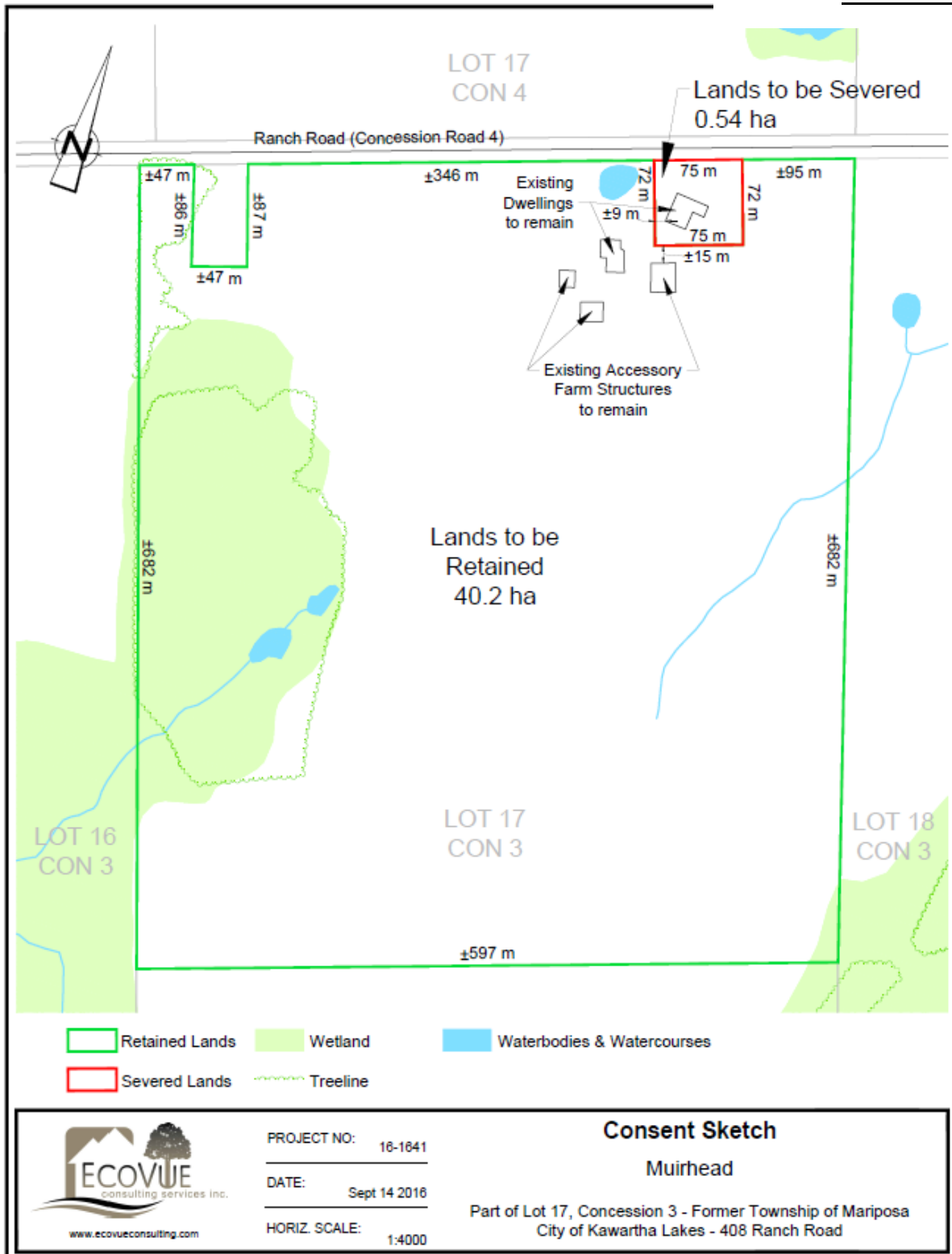
APPENDIX " C "

to

REPORT PLAN2018-040

FILE NOS: D01-2018-003

D06-2018-011



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-041

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 15

Title: An application to amend the Village of Omemee Zoning By-law 1993-15

Description: To change the zone category from General Commercial (C1) Zone to a General Commercial Exception (C1-*) Zone to also permit two (2) existing residential dwelling units in an existing building without a permitted non-residential use on land described as Part Lots 2 & 3, Plan 109, Former Village of Omemee, City of Kawartha Lakes, identified as 5 King Street East (Foley)

Author and Title: Mark LaHay, Planner II

Recommendation(s):

That Report PLAN2018-041, respecting Part Lots 2 & 3, Plan 109, Former Village of Omemee, and identified as 5 King Street East, Foley – Application D06-2018-012, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2018-012, 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a rezoning application to also permit two (2) residential dwelling units in an existing building that does not presently contain another permitted General Commercial (C1) Zone use.

Owner:	Shannon Foley
Applicant:	Kevin Duguay, KMD Community Planning & Consulting Inc.
Legal Description:	Part Lots 2 & 3, Plan 109, being Parts 2 and 3, 57R-1449, former Village of Omemee
Official Plan:	General Commercial, Victoria County Official Plan
Zone:	General Commercial (C1) Zone on Schedule 'A' of the Village of Omemee Zoning By-law No. 1993-15
Lot Area:	930.8 sq. m. [10,019 sq. ft. – MPAC]
Site Servicing:	Municipal sanitary sewer, storm sewer and private well water supply
Existing Uses:	Residential (2 dwelling units in existing building)
Adjacent Uses:	North: Church Street East, Residential East: Commercial, George Street North South: King Street East, Commercial West: Commercial, Sturgeon Street North

Rationale:

The property is located on the north side of King Street East (Highway 7), between Sturgeon Road, and George Street North, and backs onto Church Street East providing access for parking purposes, in the former Village of Omemee. The subject land is located in an area of mixed land uses, including commercial, retail, residential and public service. Previously, there were mixed residential and commercial uses in the building. The commercial use, formerly a restaurant /coffee gift house, no longer exists and was replaced with a dwelling unit for a total of two dwelling units within the building. This building, which is set back from the street, was originally constructed and used as a two-storey residential dwelling and was subsequently converted over time. The General Commercial designation predominately allows retail and service commercial facilities with both commercial and residential uses on the upper floors. The C1 Zone permits a range of commercial oriented uses, together with a maximum of two (2) dwelling units in a building containing a permitted non-residential use. An amendment to the Zoning By-law is necessary to also permit two (2) dwelling units without a permitted non-residential use.

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

1. Planning Justification Report prepared by Kevin M. Duguay, Community Planning and Consulting Inc., dated November 16, 2017. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan(s) and Zoning By-law.
2. Supplementary Analysis Memorandum prepared by Kevin M. Duguay, Community Planning and Consulting Inc., dated February 28, 2018 with focus on policies of the pending Omeme Secondary Plan.
3. Excerpt of Property Survey, Concept Plan with Parking Location and Site Area Photographs.

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed zoning by-law amendment. In order to fully evaluate the appropriateness of this application, Staff is further reviewing the applicable City policy objectives that are relevant to 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 Omeme settlement area. The GP envisions increasing intensification of the existing built-up area and supporting the achievement of complete communities by facilitating a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities and providing a diverse range and mix of housing options, including affordable housing. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

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

Provincial Policy Statement (2014):

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. In addition, infilling and minor rounding out of existing development on partial services is permitted within settlement areas where site conditions are suitable in the long term with no negative impacts. Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development does not appear to be within or adjacent to any natural heritage features or species at risk as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in

Section 3 of the PPS. Therefore, the application appears to be consistent with the PPS.

Official Plan Conformity:

The General Commercial designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Central Business District designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Ontario Municipal Board. The predominate use of land in the General Commercial designation is retail and service commercial operations, business and professional offices, hotels, motels, automotive commercial uses and facilities, funeral homes, theatres, clubs, places of amusement and recreation and civic-institutional uses. It also permits the use of upper stories for both commercial and residential uses, provided adequate servicing is available. Both the Urban Settlement area policies for General Commercial Uses of the CKLOP and the Central Business District policies in the SP are intended to also permit stand alone residential dwellings. The SP permits residential uses in free standing residential buildings or on the upper floors of buildings and/or behind the front portions of buildings, where appropriate. This is the future policy direction for Omemee.

The low density residential use would appear to be compatible with existing uses and would have adequate servicing that would not be anticipated to increase sewage flow beyond what is currently permitted, in keeping with the policies in the CKLOP related to rezoning. The application appears to be in keeping with the general policies of the intended CKLOP and proposed SP for residential use of land within the settlement area of Omemee.

Zoning By-Law Compliance:

The subject land is zoned General Commercial (C1) Zone in the Village of Omemee Zoning By-law 1993-15. The applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes to add a site-specific exception to the C1 Zone, to permit in addition to the permitted C1 Zone uses, two (2) existing dwelling units within the building on the subject lot without a permitted non-residential use. A maximum of two (2) dwelling units is currently permitted under the above conditions; however, the C1 Exception (C1-**) Zone is required to recognize a residential only use.

The application appears to comply with all other relevant provisions of the Zoning By-law.

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 Local Planning Appeal Tribunal. 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 aligns with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents, and improves walkability in the City of Kawartha Lakes. The application may also support a vibrant and growing economy, by potentially increasing demand and access to services and amenities.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is serviced by a private well and is connected to municipal sanitary and storm sewer services within the Omemee 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. To date we have received the following comments:

Public Comments:

As of the time of writing this report, no public comments were received.

Agency Review Comments:

On April 16, 2108, the Building Division advised that they have no concerns with the above noted application. Permits are required for the change of use.

On April 18, 2018, Engineering and Corporate Assets advised that Development Engineering has no objection to the proposed Zoning By-law Amendment to change the zone category from General Commercial Zone to a General Commercial Exception Zone to permit two existing residential units.

On April 20, 2018, Enbridge Gas Distribution advised they do not object to the proposed application.

On April 27, 2018, the Economic Development division advised they are unsupportive of the proposed zoning changes. It is important to maintain the supply of commercially zoned space to ensure the economic viability and vibrancy of Omemee. This expanded use would set a negative precedent.

On April 27, 2018, the Chippewas of Rama First Nation advised the application was shared with their Council and forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator to determine if any action is required.

Development Services – Planning Division Comments:

The appropriate documents in support of the application have been submitted and 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 or the public. Therefore, Staff recommends the application be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend 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:

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.

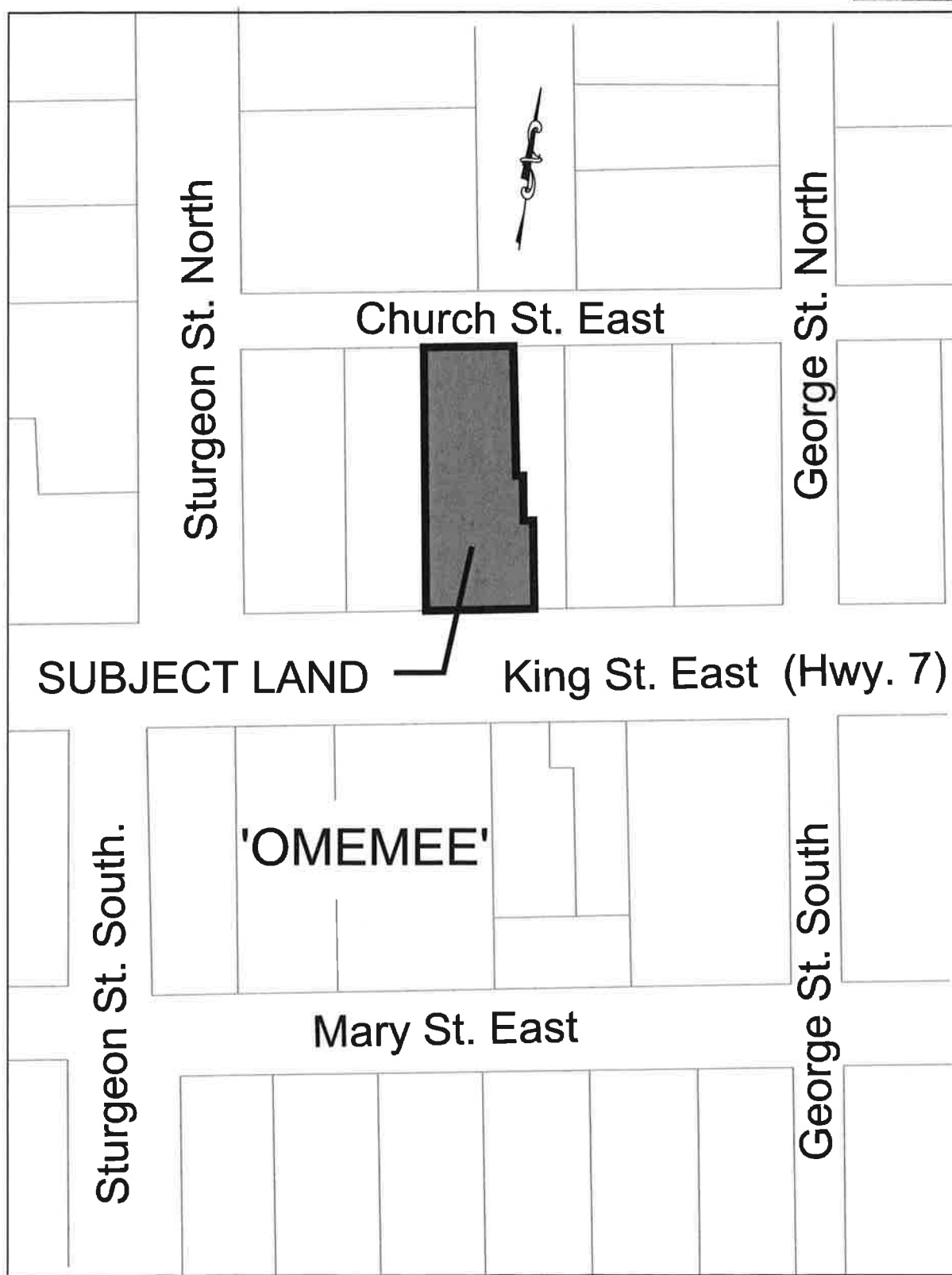


Appendix 'A' – Location Map
Appendix 'B' – Aerial Photo
Appendix 'C' – Concept Site Plan with Parking

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D06-2018-012



5 King Street East, Omeme



Legend

- == Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- Property ROLL#
- Property PIN#
- Lots and Concessions
- KRCA Regulated Areas

APPENDIX " B "

to

REPORT PLAN 2018-071

FILE NO. D06-2018-012

Notes

Scale: 1:1500

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.

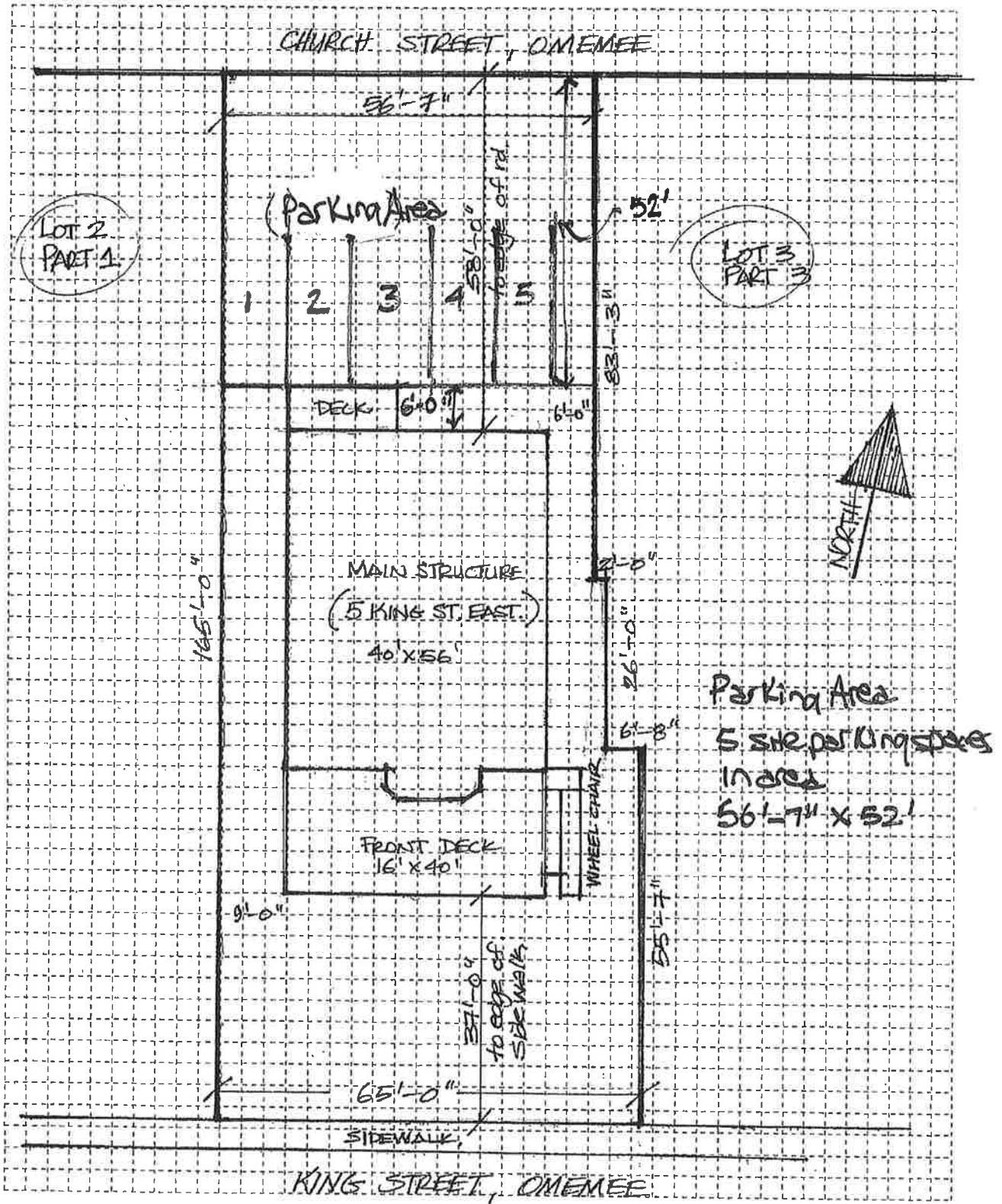


0.08 Kilometers

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CONCEPT PLAN W PARKING



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-039

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Secondary Plans Appeals Update

Description: Update concerning matters before the Ontario Municipal Board including settlement area boundaries, the 'Future Development Area' designation, and Secondary Suite policies

Author and Title: Leah Barrie, Policy Planning Supervisor

Recommendations:

That Report PLAN2018-039, **Secondary Plans Appeals Update**, be received;
and

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

At the Council Meetings of July 7, 2015, December 8, 2015 and June 27, 2017 Council adopted the following resolutions concerning the Secondary Plan settlement areas (Official Plan Amendments 15, 16 and 17) and, the Future Development Area designations adjacent to the settlement areas of Fenelon Falls and Lindsay, and Secondary Suite policies through the General Amendment (Official Plan Amendment 13):

CR2015-795

15.1.13 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Fenelon Falls Secondary Plan).

CR2015-1358

15.1.9 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Omeme Secondary Plan).

CR2017-596

15.1.18 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (General Amendment).

CR2017-597

5.1.19 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Lindsay Secondary Plan).

The General Amendment and five Secondary Plans were approved to meet a number of key Provincial and local policies, including the 2014 Provincial Policy Statement, the 2006 and 2017 Growth Plan for the Greater Golden Horseshoe and the City of Kawartha Lakes Official Plan. The City received 32 appeals to the Amendments by 14 appellants, including the Ministry of Municipal Affairs.

City staff have conducted a series of discussions with staff at the Ministry of Municipal Affairs aimed at resolving their concerns related to conformity with the 2017 Growth Plan for the Greater Golden Horseshoe. As well, the Ontario Municipal Board has held its first prehearing conference.

The appeals returned to the (then) Ontario Municipal Board for a prehearing conference (PHC) on March 22, 2018. The Board requested that all parties, participants and auditors indicate their status. The next PHC is scheduled for October 16-17, 2018, where all status requests will be finalized, issues will be scoped, and settlement motions will be presented.

One issue under appeal is that of Jurisdiction, and whether the June 27, 2017 decisions of Council regarding the General Amendment, the Lindsay Secondary

Plan and the Bobcaygeon Secondary Plan were properly before the Ontario Municipal Board, now Local Planning Appeal Tribunal (LPAT) as a result of alleged defects in the public process. Since this is a threshold issue, the Tribunal has scheduled a Motion Hearing for July 13, 2018 regarding LPAT's Jurisdiction to make a determination on those Amendments.

Rationale:

City staff has prepared revisions to address various issues raised in the appeals by the Ministry of Municipal Affairs. The purpose of these revisions is to align the planning documents with provincial interests and legislation as they relate to growth management and affordable housing. The revisions constitute boundary adjustments and additional detail to implement provincial legislation.

Notwithstanding the outcome of the jurisdiction motion, City staff are interested in obtaining comments from the public and direction from PAC regarding the proposed revisions, as part of the Appeals process.

The revisions are grouped into three categories as follows:

1. Urban Settlement Area Boundaries

Ministry and City staff have had several meetings over the course of the past year to come to consensus on boundaries of various urban settlement areas that are in conformity with the Growth Plan for the Greater Golden Horseshoe 2006 and 2017. The revised boundaries are identified in Appendices A through C for Fenelon Falls, Lindsay and Omemee, respectively; Appendices D and E for Bobcaygeon and Woodville, respectively, are included for reference only – no changes are proposed.

Fenelon Falls

The proposed settlement area boundary represents the sum total of additions and subtractions of land resulting in a “net-zero” change in the number of developable hectares. The revised boundary achieves the following goals:

- i. Creates a rational settlement area boundary following property lines rather than the former conceptual boundary;
- ii. Includes the existing built-up area of Fenelon Falls as shown in the Growth Management Strategy (GMS);
- iii. Includes those lands that are designated and/or have draft approval status that contribute to land supply; and,
- iv. Allocates greenfield growth lands for 517 units for the Windcorp Developments proposal (101 units), the Fenelon Trails development concept (365 units) and the Webster lands (51 units).

Rationale:

The proposed boundary addresses existing land use, servicing, financial, environmental, and prime agricultural considerations. Due to geographical constraints to the north, south and west, the logical direction for major contiguous greenfield development is to the east of the existing built-up area, or small pockets of unconstrained land elsewhere i.e. northwest of the existing built-up area. The Municipal Servicing Assessment of the GMS plans for servicing to extend from the existing centralized systems to service the Fenelon Trails development and Webster lands, with costs recovered through development charges. Roads are to be built at the developer's expense. The proposed boundary avoids environmentally-sensitive areas and 'Prime Agricultural' designated lands.

Lindsay

The proposed settlement area boundary represents a reduction of 2.69 gross hectares of land in Lindsay.

Rationale:

The revised boundary creates a rational settlement area boundary following property lines rather than the former conceptual boundary.

Omemee

The proposed settlement boundary represents a reduction of 52.59 gross hectares of land in Omemee. The revised boundary achieves the following:

- i. Creates a rational settlement area boundary following property lines rather than the former conceptual boundary; and
- ii. Limits Omemee's development only to the lands that can be serviced, since the settlement area faces an on-going municipal water servicing constraint.

Rationale:

The proposed boundary addresses existing land use, servicing and financial viability, the avoidance of environmentally-sensitive areas and 'Prime Agricultural' designated lands by removing unserviceable areas to the north and southeast, and by straightening an irregular area to the east.

2. Future Development Areas

The Ministry appealed the Future Development Area designations adjacent to Fenelon Falls and Lindsay, identified in Appendices F and G, respectively, based on a lack of demonstrated need for additional land to accommodate growth. The proposed removal of the 'Future Development Area' designations reflects a rational settlement area boundary based on the growth allocation, intensification

and supply/demand considerations and will allow future reviews to consider all feasible options for settlement area expansions.

3. Secondary Suites

The Ministry appealed the lack of appropriate Secondary Suites policies in the City's Official Plan. Ministry and City staff has come to consensus on wording for a Secondary Suites Policy, included in Appendix H.

The policies have been expanded to include permission within detached accessory buildings (with the exception of a boathouse) and other performance standards to reflect the character of the neighbourhood, such as:

- Minimum lot area for servicing, frontage, yard setbacks, landscaping, and parking provisions; and,
- Maximum coverage, height, ground floor area, and number of secondary suites per lot.

The policy requires that the Zoning By-law contain the performance standards. Secondary Suites will only be permitted where lots have adequate servicing, access, comply with the provisions of the Ontario Building Code, Fire Code, Zoning By-law and all other relevant municipal and provincial standards, and are registered with the City. Secondary Suites in detached accessory buildings will not be severable, and will be prohibited from lands within floodplains, erosion or other hazards.

Other Alternatives Considered:

Not applicable

Financial/Operation Impacts:

It is the goal of the Planning Department to obtain public comments on the proposed policy revisions as part of a comprehensive planning process. It is anticipated that, by communicating the revisions and providing clarification prior to the resumption of the Tribunal proceedings, the hearings will be shorter and less costly for the City.

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 Report aligns with all three Strategic Goals by providing development and growth options within the City that balance fiscal and environmental objectives.

Review of Accessibility Implications of Any Development or Policy:

The Accessibility Co-ordinator has been involved in the Secondary Plan process.

Servicing Comments:

Staff in the Engineering & Corporate Assets and Public Works Departments has been involved in the Secondary Plan process.

Consultations:

City Solicitor
Ministry of Municipal Affairs

Attachments:

Appendix A: Map (Schedule F-3) Illustrating Secondary Plan Boundaries –
Fenelon Falls



Fenelon Falls Land
Use_Comparison.pdf

Appendix B: Map (Schedule F-1) Illustrating Secondary Plan Boundaries –
Lindsay



Lindsay Land
Use_Comparison.pdf

Appendix C: Map (Schedule F-4) Illustrating Secondary Plan Boundaries –
Omeme



Omeme Land
Use_Comparison.pdf

Appendix D: Map (Schedule F-2) Illustrating Secondary Plan Boundaries –
Bobcaygeon




Bobcaygeon Land
Use_Comparison.pdf


Appendix E: Map (Schedule F-5) Illustrating Secondary Plan Boundaries – Woodville


Woodville Land
Use_Comparison.pdf

Appendix F: Map (Schedule A-5) Illustrating 'Future Development Area' in Fenelon Falls


2018.05.09
Schedule A-5.pdf

Appendix G: Map (Schedule A-3) Illustrating 'Future Development Area' in Lindsay


2018.05.09
Schedule A-3.pdf

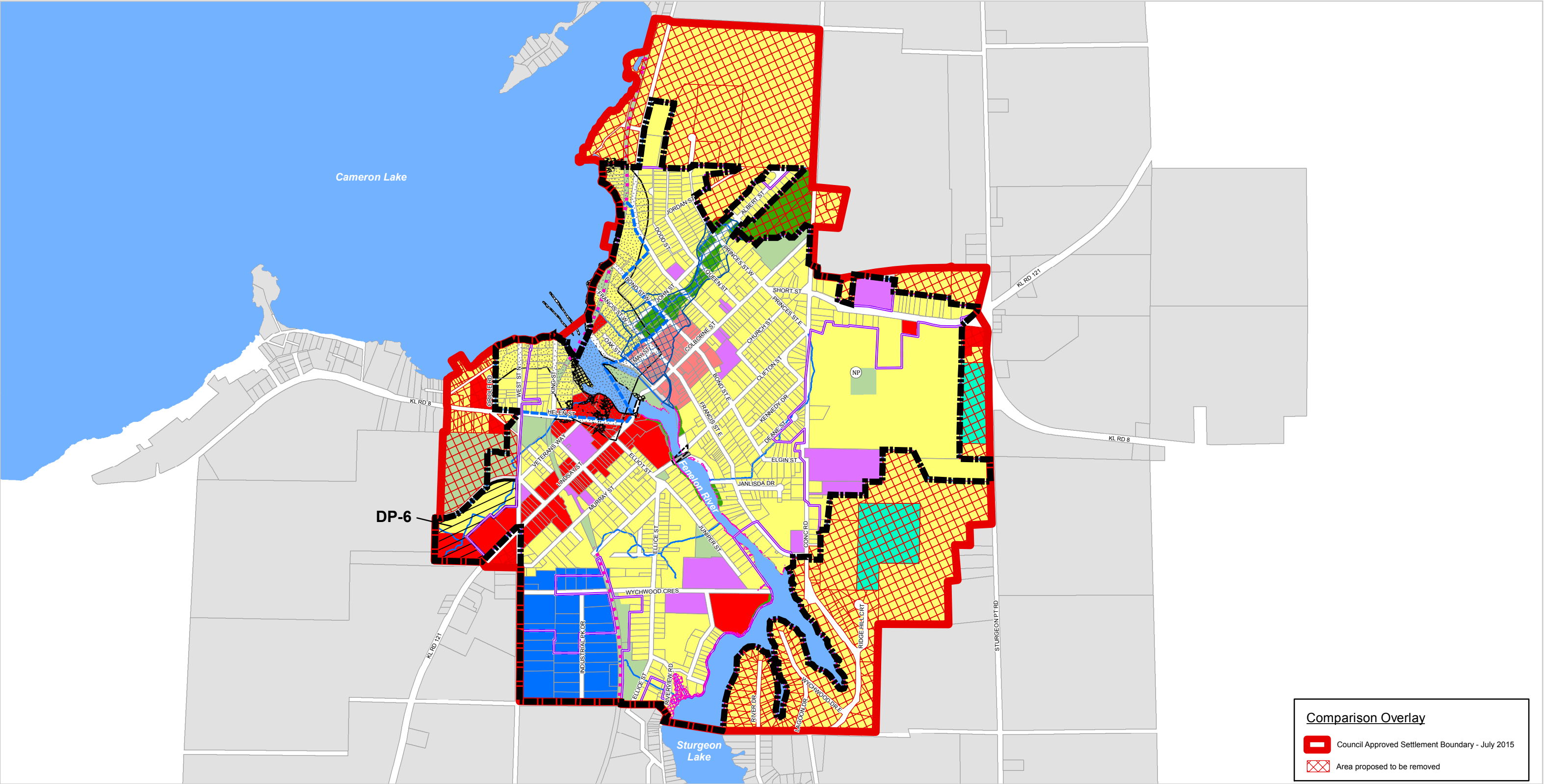
Appendix H: Proposed Secondary Suites Policy


2018.05.09
Secondary Suites Poli

Department Head E-Mail: cmarshall@kawarthlakes.ca

Department Head: Chris Marshall

Department File: D00-99-006



Comparison Overlay

Council Approved Settlement Boundary - July 2015

Area proposed to be removed

KAWARTHA LAKES
SECONDARY PLANS PROJECT
FENELON FALLS SETTLEMENT AREA

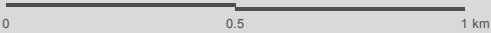
LAND USE
SCHEDULE F-3



Fenelon Falls Settlement Area	Special Policy Area # 1 (Fenelon Creek Floodplain Area)	Residential	Institutions and Community Facilities	Waterfront Policy Area	New Park
Fenelon Falls Servicing Boundary	Special Policy Area # 2 (Cameron Lake Floodplain Area)	Commercial	Employment	Potential Second Crossing	
GMS Built Boundary	Special Policy Area # 3 (Sturgeon Lake Floodplain Area)	Central Business District	Environmental Protection	Expanded Pedestrian Crossing	
Development Plan Area # 6	Intake Protection Zone	Parks and Open Space	Waterbody	Watercourses	

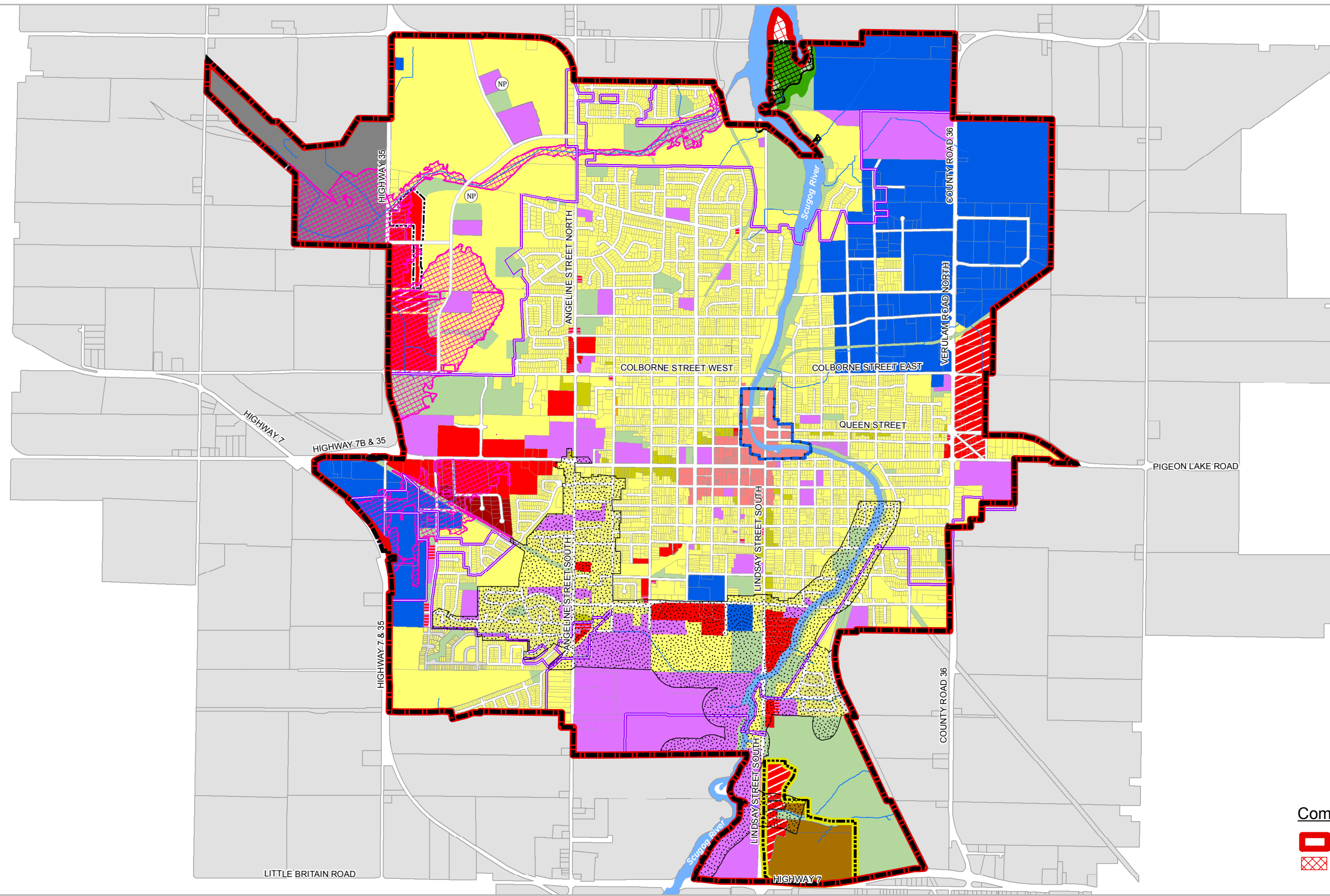


MAP DRAWING INFORMATION:
DATA PROVIDED BY CKL, MNR
MAP CREATED BY: PFM: DATE: 04/02/13
MAP CHECKED BY: EC
MAP EDITS BY: CS (CKL)
MAP PROJECTION: NAD 1983 UTM Zone 17N



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2013 Revisions\Fenelon Falls Land Use.mxd

REVISION NO.:12
PROJECT: 11-5009
PRINT DATE: 05/10/2017
STATUS: DRAFT



Comparison Overlay

- Council Approved Settlement Boundary - June 2017
- Area proposed to be removed

KAWARTHA LAKES
SECONDARY PLANS PROJECT
LINDSAY SETTLEMENT AREA

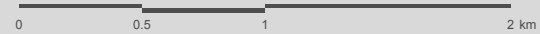
LAND USE
SCHEDULE F-1



Lindsay Settlement Area/Servicing Boundary	Policy Area # 3 (Sturgeon/Scugog Floodplain Area)	Airport Lands	Institutions and Community Facilities	Mixed-Use Gateway
GMS Built Boundary	Policy Area # 4 (Ops No. 1 Drain/Jennings Creek Floodplain Area)	Commercial	Employment	Waterbody
Waterfront Core Commercial Boundary	Intake Protection Zone	Local Commercial	Residential	Watercourses
Policy Area # 1 (Future Commercial Area)	Environmental Protection	Highway Commercial	Mixed-Use Residential	New Park
Policy Area # 2 (Gateway Area)	Parks and Open Space	Service Commercial	Central Business District	

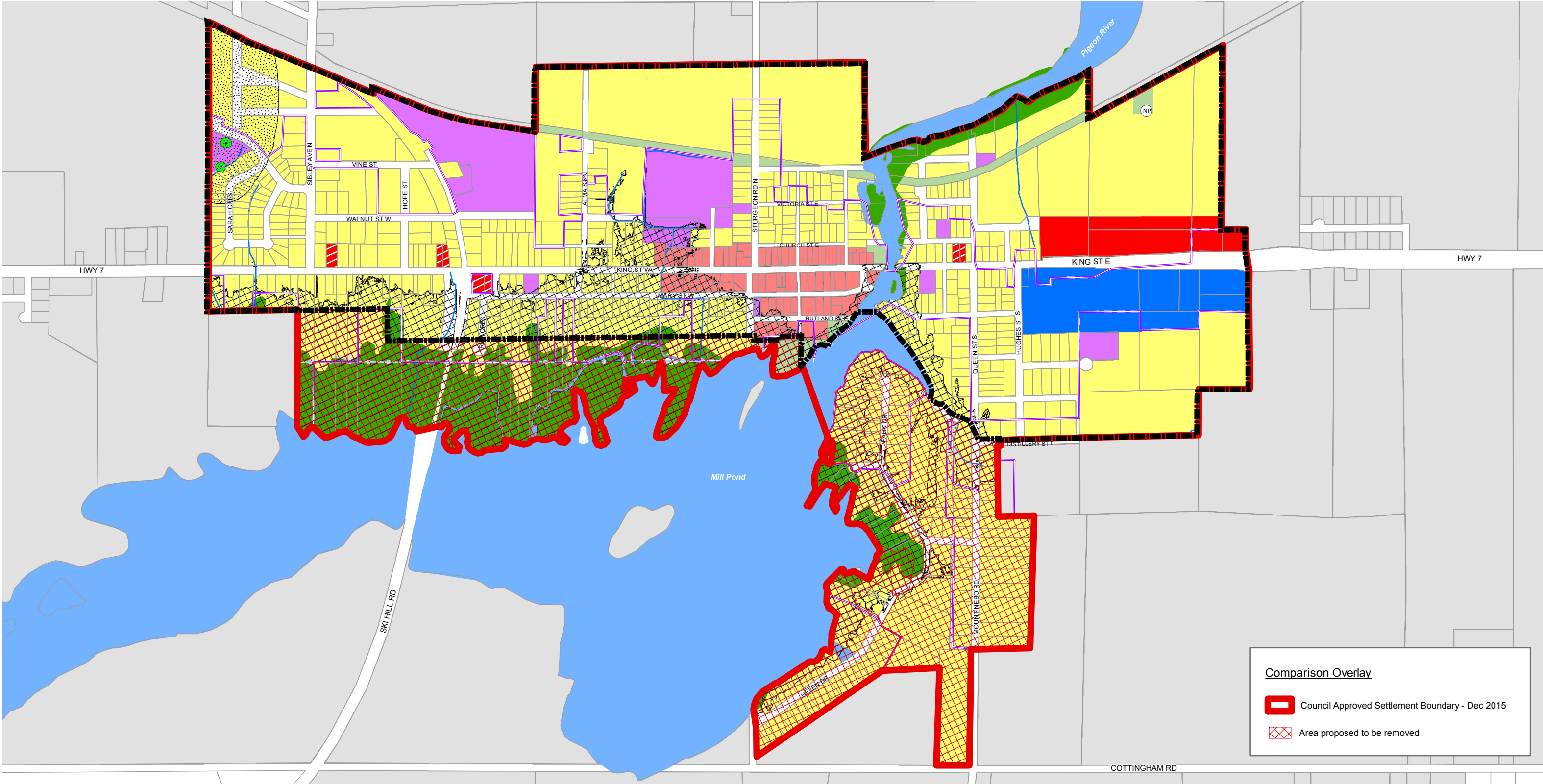


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REVISION NO.: 11
PROJECT: 11-5009
STATUS: DRAFT
PRINT DATE: 10/05/2017



KAWARTHA LAKES
SECONDARY PLANS PROJECT
OMEMEE SETTLEMENT AREA

LAND USE
SCHEDULE F-4

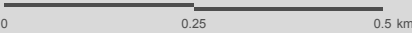


	Omeme Settlement Area		Policy Area # 1 (Mill Pond Floodplain Area)		Residential		Employment		Waterbody
	Omeme Servicing Boundary		Wellhead Protection Area		Commercial		Institutions and Community Facilities		Watercourses
	GMS Built Boundary				Central Business District		Parks and Open Space		Wellhead Location
					Highway Commercial		Environmental Protection		New Park



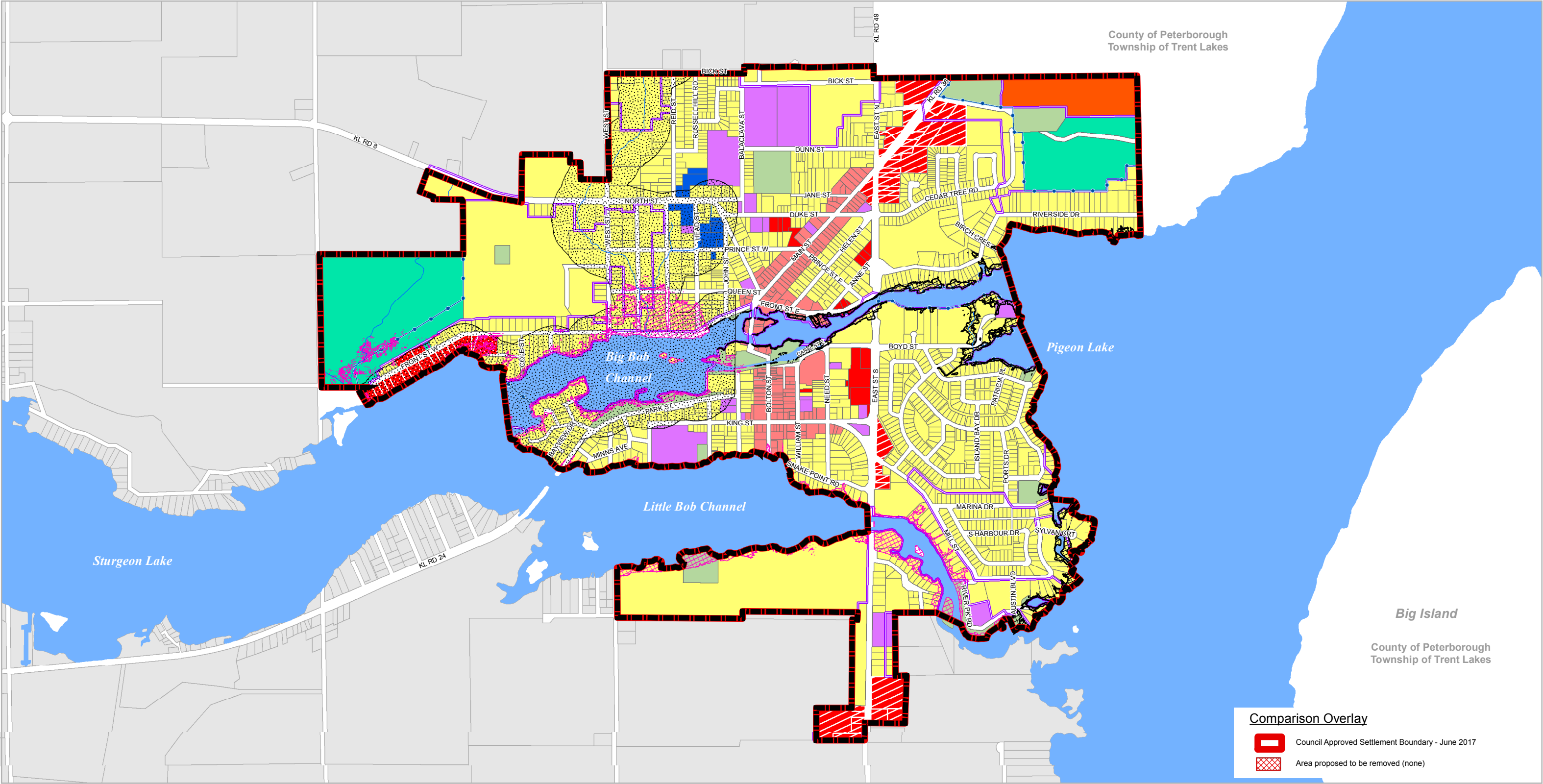
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REVISION NO.: 6
PROJECT: 11-5009
STATUS: DRAFT
PRINT DATE: 3/19/2018
DATE: 04/05/13



KAWARTHA LAKES
SECONDARY PLANS PROJECT
BOBCAYGEON SETTLEMENT AREA

LAND USE
SCHEDULE F-2

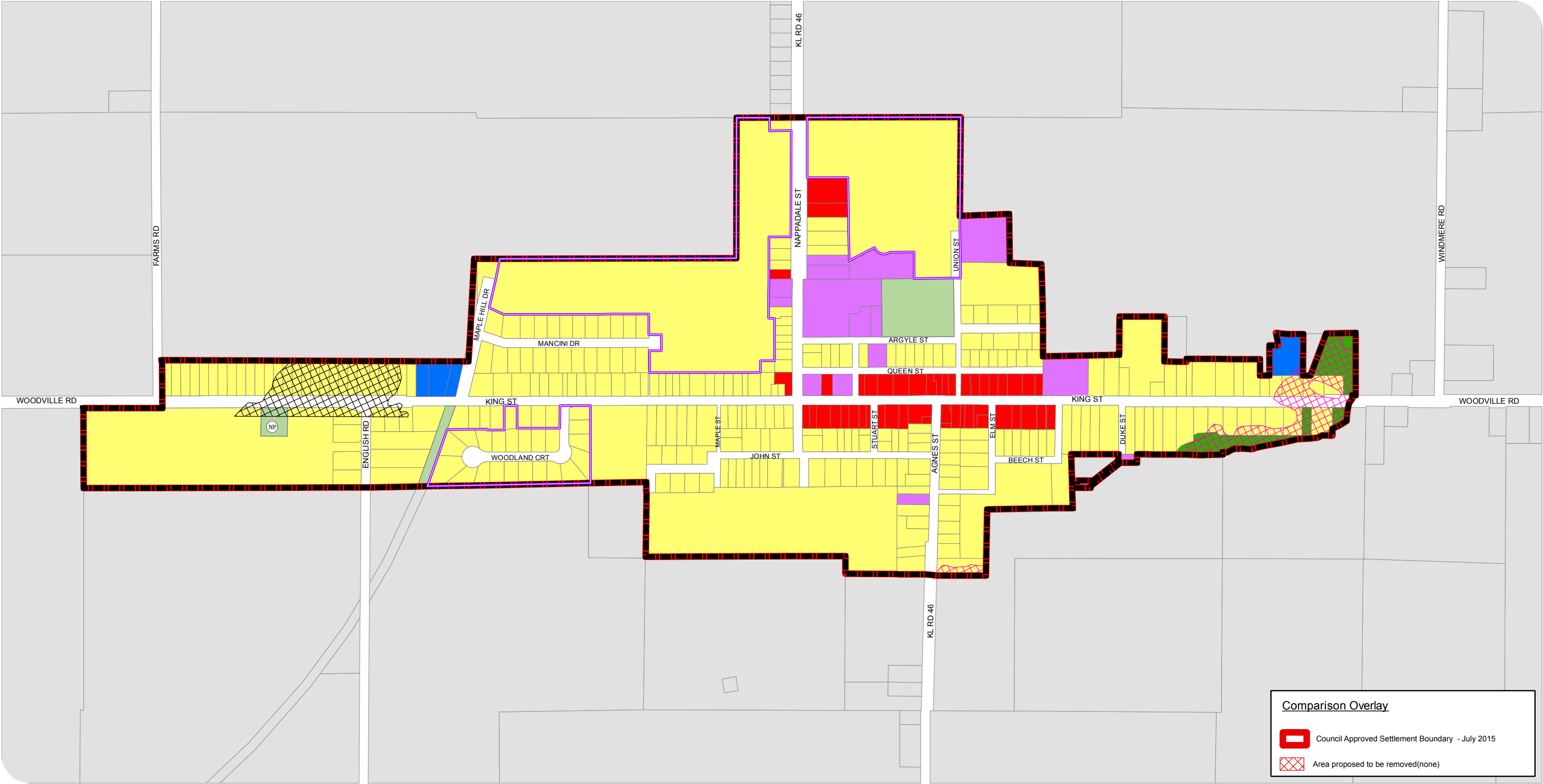
Bobcaygeon Settlement Area	Policy Area # 1 (Sturgeon Lakes Floodplain Area)	Residential	Central Business District	Aggregate	Watercourses
Bobcaygeon Servicing Boundary	Policy Area # 2 (Pigeon Lake Floodplain Area)	Commercial	Parks and Open Space	Future Development Area	
GMS Built Boundary	Intake Protection Zone	Highway Commercial	Institutions and Community Facilities	Environmental Protection	
		Tourism Commercial	Employment	Waterbody	

MAP DRAWING INFORMATION:
DATA PROVIDED BY CKL, MNR
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REVISION NO.: 11 - Staff (Highway Commercial) PRINT DATE: 3/19/2018
PROJECT: 11-5009 STATUS: DRAFT DATE: 04/05/13



KAWARTHA LAKES
SECONDARY PLANS PROJECT
WOODVILLE SETTLEMENT AREA

LAND USE
SCHEDULE F-5



- | | | | | |
|---------------------------|---|-------------|---------------------------------------|----------|
| Woodville Settlement Area | Special Policy Area # 1 (Woodville No. 1 Drain) | Residential | Institutions and Community Facilities | New Park |
| GMS Built Boundary | Special Policy Area # 2 (Floodpain Area) | Commercial | Parks and Open Space | |
| | | Employment | Environmental Protection | |



MAP DRAWING INFORMATION:
DATA PROVIDED BY CKL, MNR
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MAP CHECKED BY: EC
MAP EDITS BY: CS (CKL)
MAP PROJECTION: NAD 1983 UTM Zone 17N

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FILE LOCATION:
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REVISION NO.: 2
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DATE: 04/05/13



















City of Kawartha Lakes

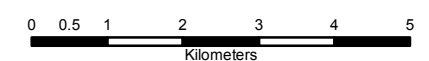
Official Plan

Schedule A-5

May 07, 2015 - Draft
(Geographic Townships of Fenelon and Verulam)

Land Use Designations

-  Lake Simcoe Source Water Protection Plan Boundary
-  Development Plan Area
-  Urban Settlement Boundary
-  SP-1 (Specific Lake Policy Area)
-  Abandoned Mine Constraint
-  Future Development Area (Overlay)
-  Open Space
-  Environmental Protection
-  Aggregate
-  Urban Settlement Area
-  Waterfront
-  Highway Commercial
-  Tourist Commercial
-  Hamlet Settlement Area
-  Sand and Gravel Resource
-  Industrial
-  Prime Agricultural
-  Rural



A-7

A-4

A-3

City of Kawartha Lakes

Official Plan

Schedule A-3

May 07, 2015 - Draft
(Geographic Townships of Ops and Emily)

Land Use Designations

-  Prime Agricultural
-  Rural
-  Environmental Protection
-  Urban Settlement Area
-  Hamlet Settlement Area
-  Waterfront
-  Highway Commercial
-  Tourist Commercial
-  Industrial
-  Future Development Area (Overlay)
-  Aggregate
-  Open Space
-  Sand and Gravel Resource
-  Development Plan Area
-  Abandoned Mine Constraint
-  Urban Settlement Boundary
-  Lake Simcoe Source Water Protection Boundary
-  SP-1 (Specific Lake Policy Area)



0 0.375 1.5 2.25 3 3.75
Kilometers



Secondary Suites Policy (proposed to be added into Section 30 of the 2012 CKLOP)

Secondary Suite:

means a self-contained residential dwelling unit, which is ancillary to a principal residential dwelling unit, and includes a separate entrance, kitchen facilities, washroom facilities, and living space from the principal residential dwelling unit.

18.5.5 This Plan will support zoning provisions that are flexible enough to permit a broad range of housing forms, including secondary suites.

18.5.6 Secondary suites are permitted as of right, in addition to the principal dwelling unit, in single-detached, semi-detached or linked, and row house dwellings as well as in accessory structures on lots associated with these dwelling types (if one does not already exist in the principal dwelling) provided they are in accordance with this policy and the applicable zoning by-law provisions. The following criteria shall be considered when evaluating proposals for the creation of secondary suites.

- i. One secondary suite is permitted per lot in designated settlement areas. Lands located outside of designated settlement and Waterfront areas may have both a secondary suite and a garden suite subject to policies contained in Section 5.4.
- ii. Secondary suites located on properties outside of designated settlement areas shall have a minimum lot area of 0.6 hectares. This requirement may be reduced to 0.4 hectares through a rezoning application where it is demonstrated that the lot can be adequately serviced.
- iii. The floor area of the secondary suite shall be equal to or smaller in size compared to the gross floor area, excluding attached garage area, of the principal dwelling unit without any substantial modification to the building's bulk or massing.
- iv. A secondary suite may be located in an accessory structure provided this is not a boathouse.
- v. The Zoning By-law shall contain appropriate performance standards for the creation of a secondary suite, including lot area and frontage, yard setbacks, coverage, height, and landscaping to reflect the character of the neighbourhood. Secondary suites are not subject to density control requirements as defined in the applicable Zoning By-law.
- vi. One (1) additional on-site parking space is provided exclusively for the secondary suite.
- vii. Secondary suites shall only be permitted on lots having adequate sewage and water supply capacity. Secondary suites being developed on private

services are encouraged to utilize the existing private sewage disposal systems and wells.

- viii. Secondary suites shall only be permitted on properties having frontage and access to a year-round municipally maintained road.
- ix. Secondary suites shall not be permitted within floodplains, erosion hazards, or other hazardous lands.
- x. A secondary suite within an accessory structure shall not be severed from the lot accommodating the principal dwelling.
- xi. Secondary suites shall comply with the provisions of the Ontario Building Code, Fire Code, Zoning By-law and all other relevant municipal and provincial standards.
- xii. All secondary suites shall be registered in accordance with the City's Secondary Suites Registration By-law.
- xiii. Secondary suites shall:
 - a. be permitted in single-detached, semi-detached or linked and row house dwellings as well as in accessory structures on lots associated with these dwelling types in the Settlement Area and Rural Settlement Area designations of the Oak Ridges Moraine Conservation Plan (2017);
 - b. be permitted only in single-detached dwellings in the Countryside Area designation of the Oak Ridges Moraine Conservation Plan (2017);
 - c. not be permitted within the Natural Core Area and Natural Linkage Area designations of the Oak Ridges Moraine Conservation Plan (2017); and,
 - d. be subject to all of the policies contained in Section 18.5.6.

18.5.7 Building design is encouraged to facilitate subsequent conversion to provide additional housing units, such as secondary suites.

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-044

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Information Report on the Local Planning Appeal Tribunal

Description: Overview of changes to the land use planning appeal system as a result of Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017

Author and Title: Anna Kalnina, Planner II

Recommendation:

That Report PLAN2018-044, **Information Report on the Local Planning Appeal Tribunal**, be received.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

On April 3, 2018, the Ontario Municipal Board (OMB) was replaced by a new appeal body, the Local Planning Appeal Tribunal (LPAT), with major changes to its jurisdiction and processes.

In 2016, the Province commenced a review of the Ontario Municipal Board (OMB). The purpose of the review was to modernize hearing procedures and practices to ensure faster, fairer and more affordable hearings and to facilitate greater public participation in the process. On December 12, 2017, Bill 139 the Building Better Communities and Conserving Watersheds Act, 2017 received Royal Assent from the Legislature. Bill 139 introduced the Local Planning Appeal Tribunal Act that governs the LPAT, made changes to the *Planning Act*, and created the Local Planning Appeal Support Centre (LPASC). The legislative changes associated with the LPAT were proclaimed into force by the Lieutenant Governor on April 3, 2018.

The Planning Act matters that were in process when the changes came into force are subject to transition rules as per the new provisions in the regulations under the Planning Act and the Local Planning Appeal Tribunal Act. The transition rules are summarized as follows:

1. Appeals made after April 3, 2018 (proclamation date) are generally subject to the new rules and will be subject to the new LPAT rules;
2. Appeals that are already before the OMB as of December 12, 2017 (Royal Assent of Bill 139) will be subject to the OMB rules;
3. Appeals of matters between December 12, 2017 (Royal Assent of Bill 139) and April 3, 2018 (proclamation date):
 - a. Will be subject to the new LPAT rules if the planning matter began (e.g., a complete application received) after the date of Royal Assent; or
 - b. Will be subject to the OMB rules if the planning matter began before the date of Royal Assent.

Similarly to the OMB, the LPAT is an independent tribunal with members appointed by the Province. However, the LPAT's jurisdiction and hearing procedures are very different from the former appeal system. The changes are intended to better support citizens and to reduce adversarial hearings. The following are highlights of key changes to the hearing proceedings as per the Local Planning Appeal Tribunal Act.

Case Management Conference

- A mandatory case management conference will be held for appeals related to Official Plans and amendments, Zoning By-laws and amendments, and Plans of Subdivision. One of the main reasons for the conference is to explore opportunities for mediation and settlement.

One Day Hearing

- Unlike the OMB that held de novo (new) hearings, the LPAT is intended to provide fast and cost-effective one day hearings. For appeals related to Official Plans and amendments, Zoning By-laws and amendments, and Plans of Subdivision, the LPAT will review and consider a written record that is based primarily on the record that was before Council. Oral submissions have been limited to parties (municipality and applicant), limited in time, and there is no longer an option to call new evidence or call or examine witnesses at the LPAT hearings.

Local Planning Appeal Support Centre

- To better support citizens, Bill 139 introduced a new agency, the LPASC. The LPASC is independent from the government and the LPAT. Its role is to provide information on land use planning, guidance on board procedures, and advice and representation to citizens who want to participate in the land use planning appeal process.

Through Bill 139, there were a number of changes to the Planning Act whose purpose was to add more municipal control, strengthen community voice and protect public interests. The following is a summary of the new appeal processes and planning tests under the Planning Act.

Consistency/ Conformity Standard

- One of the more significant changes is LPAT's jurisdiction. There are now restricted appeal grounds for official plans and amendments, and zoning by-laws and amendments to only matters of consistency and/or conformity with provincial and/or municipal policies/plans. More specifically, the LPAT will dismiss an appeal of a Council decision unless the decision is not consistent with the Provincial Policy Statement, does not conform/conflicts with provincial plans, or does not conform to the City's Official Plan. If the LPAT determines that a Council decision did not follow provincial and/or local policies, the matter will be remitted back to the City to be reconsidered. The City will have 90 days to reassess the application by providing notice of a public meeting, holding a public meeting and issuing a new decision.

Two-Part Appeal Process

- Where a matter was remitted back to the municipality for a new decision and a new decision was not made within the prescribed timeframe, the matter can be appealed again to the LPAT. The Tribunal would then make the final decision.

Longer Decision Timelines

- Approval authority's decision timelines have been extended by 30 days for official plans, official plan amendments and zoning by-law amendments, for a total of 210 days for official plan amendments, 150 days for zoning by-law amendments, and 210 days for combined applications (requesting an official plan amendment and a zoning by-law amendment).

Restricted Appeal Rights

- There is no longer an option to appeal a provincial decision to approve, modify or refuse all or part(s) of a new official plan or an official plan update where the Minister is the approval authority. This includes conformity exercises to provincial plans through section 26 of the Planning Act.
- The ability to appeal the passing of an Interim Control By-law has been removed, the Province accepted. However, there is an option to appeal a by-law to extend the period of time during which the Interim Control By-law may be in effect.

Two-Year Timeout on New Secondary Plans

- All new secondary plans are subject to a two-year timeout. The two-year timeout removes the ability to make applications to amend the new secondary plan for two years, unless the proposed change is supported by Council.

Official Plan Requirements

- There is now a legislated requirement for all municipal official plans to include climate change policies and policies dealing with the adequate provision of affordable housing.

Rationale:

Planning staff are updating development review documents and notices to reflect the changes in the land use planning and appeal system.

Other Alternatives Considered:

Not applicable.

Financial/Operation Impacts:

There are no financial implications to the City with respect to these changes. The hope is that these changes may streamline the adjudication process and reduce overall costs.

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 initiative aligns with an exceptional quality of life by allowing improved civic engagement in decision-making land use activities.

Consultations:

Not applicable.

Attachments:

Appendix A – Presentation on Bill 139 and the Local Planning Appeal Tribunal



PLAN2018-044
Appendix A.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: L01

Bill 139 and the Local Planning Appeal Tribunal

Overview of changes to the land use planning and appeal system

May 9, 2018



Background

- In 2016, the Province initiated the Ontario Municipal Board (OMB) review
 - Purpose: create faster, fairer and more affordable hearings
- Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 has taken effect as of April 3, 2018
- The Local Planning Appeal Tribunal (LPAT) has replaced the OMB
 - Major change in comparison to the former appeal process

Transition Rules

- Appeals before the OMB as of Royal Assent (Dec. 12, 2017) – subject to old rules (OMB)
- Appeals between the Royal Assent and Proclamation (April 3, 2018) – depends when a complete application was received
 - Before Royal Assent –subject to old rules
 - After Royal Assent – subject to new LPAT rules
- Appeals after proclamation – subject to new LPAT rules

Key Changes

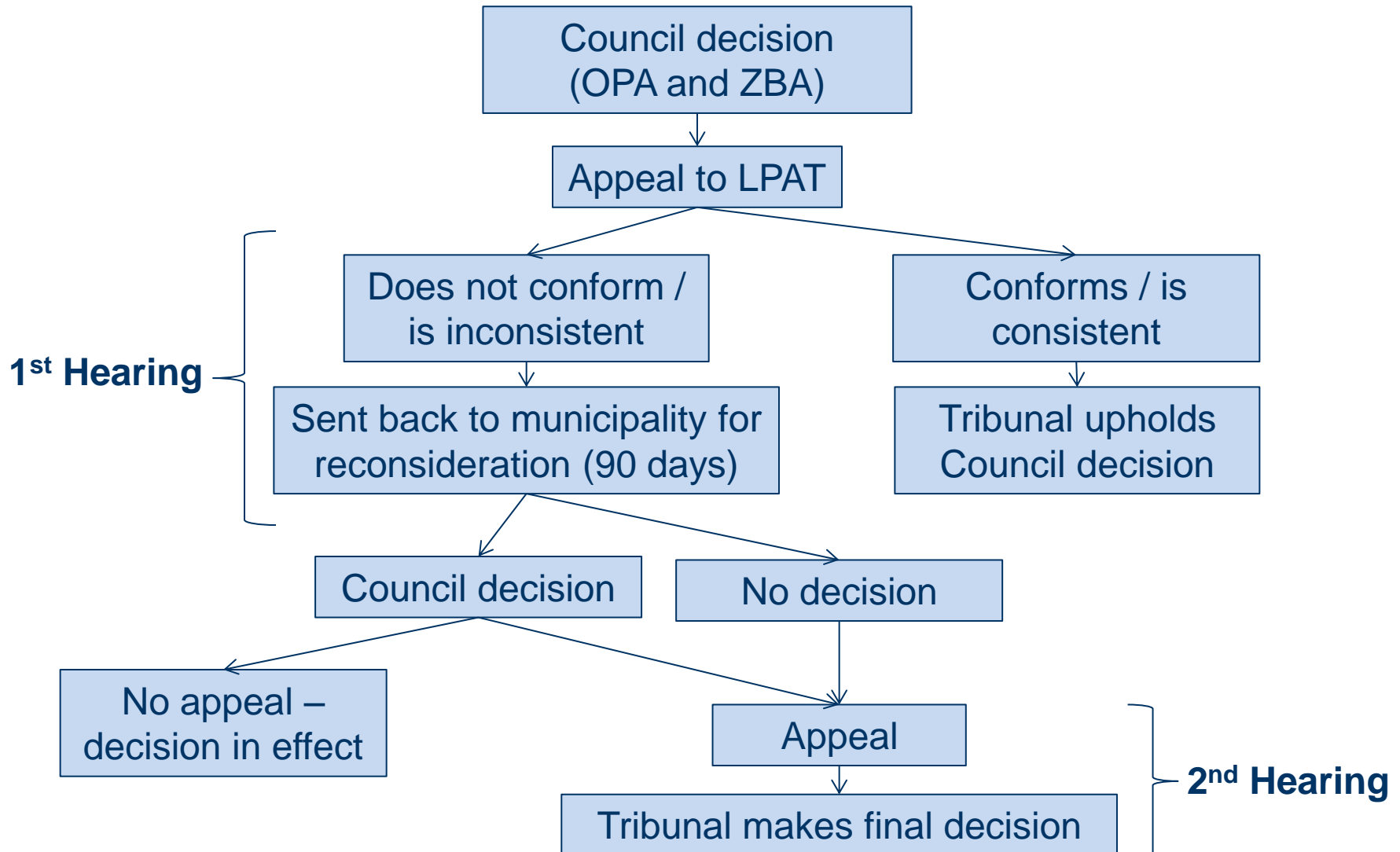
For Official Plan Amendments (OPAs) and Zoning By-law Amendments (ZBAs)

Key Changes	Ontario Municipal Board (Old)	Local Planning Appeal Tribunal (New)
Hearing procedure	De Novo (new) Hearings	LPAT reviews Council decision based on written record (no new evidence)
Appeal test	“Good planning” test	Consistency / conformity test
Number of hearings	OMB’s decision is final (unless appealed to the Divisional Court)	Two-part appeal - in some cases, there may be two hearings
Length of hearings	Hearings as long as required	One day hearings with limited oral testimony
Hearing format	A formal and legalistic superior court model	Less adversarial hearings - no cross-examination and only LPAT may call witnesses
Party status	Party status determined during pre-hearing conference	The only parties as of right are the City and an applicant

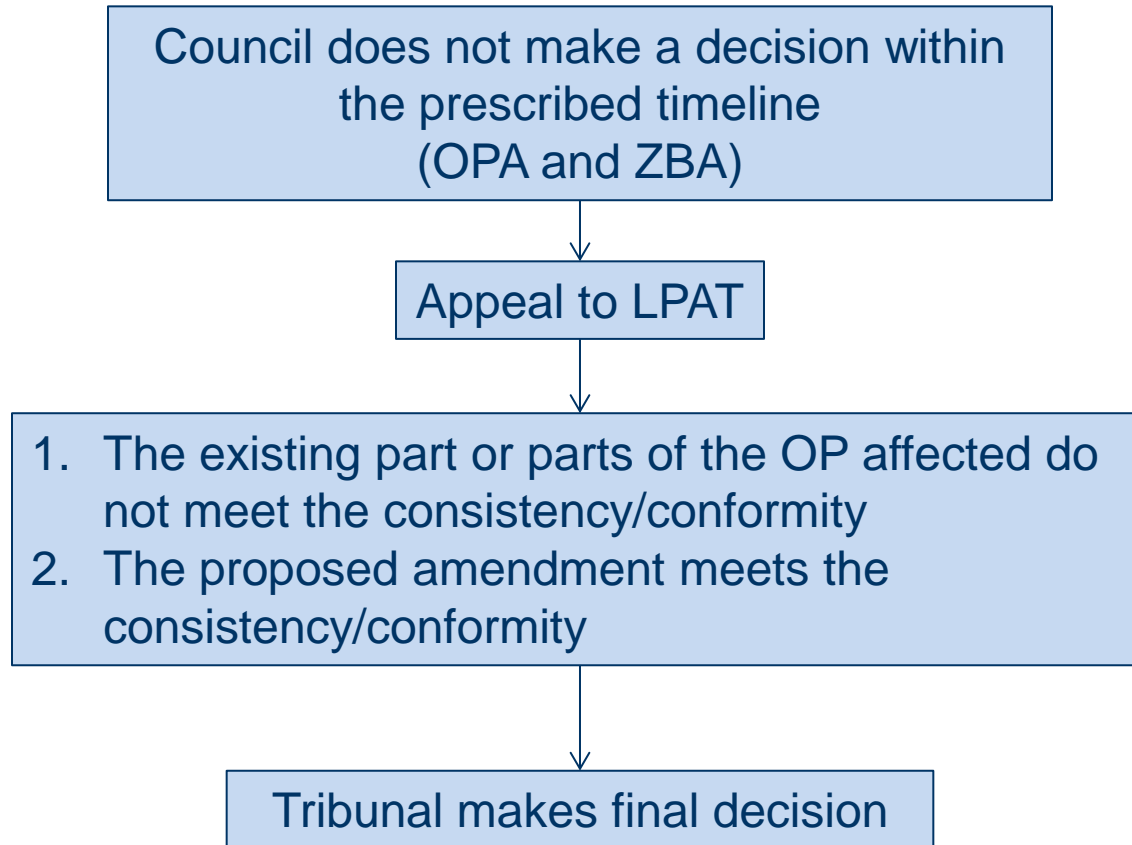
Consistency / Conformity Test

- LPAT may overturn a Council decision only if it is inconsistent with the PPS, does not conform/conflicts with provincial plans, and/or does not conform with the City's Official Plan
- Appeals to municipal refusal or non-decision appeals must meet a two-part test:
 - The existing part or parts of the OP affected do not meet the consistency/conformity
 - The proposed amendment meets the consistency/conformity

Two-Part Appeal



Non-Decision Appeal



Other Changes

- Longer decision timelines (+30 days for OPAs and ZBAs)
- Restricted appeal rights
 - No appeals of provincial decision regarding a new OP or an OP update
 - No ability to appeal an Interim Control By-law
- Moratorium
 - No amendments to new Secondary Plans for 2 years
- Local Planning Appeal Support Centre
 - Provide information, guidance and support for citizens who want to participate in the appeal process

Summary

- A lot of changes for major applications (OPAs and ZBAs)
- A strong emphasis on the written appeal record, which has to be the same as the record before Council
- Consistency/conformity test
 - LPAT must dismiss an appeal of a Council decision that passes the test
 - LPAT must remit a decision back to Council to reconsider it if it does not pass the test
 - LPAT must substitute its decision where a Council decision did not pass the test in the second hearing
 - LPAT must make a decision where there was no decision (first and second hearing)
- The City is better positioned to defend our decisions when the Official Plan is consistent/conforms with the provincial policies and plans
- Staff are working to update notices to reflect the changes