

The Corporation of the City of Kawartha Lakes
Minutes
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

Chair O'Reilly called the meeting to order at 1:01p.m. Mayor A. Letham, Councillors B. Junkin, R. Macklem, H. Stauble and A. Veale and M. Barkwell and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Manager of Planning R. Holy, City Solicitor R. Carlson, Supervisor of Policy Planning L. Barrie, Supervisor of Development Engineering C. Sisson, Economic Development Officer L. Newton, and Planners II David Harding, Anna Kalnina, Mark LaHay were also in attendance.

Early Departure: M. Barkwell at 2:31 p.m.

Absent: G. Miller

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

2. Declarations of Pecuniary Interest

Committee Member M. Barkwell identified a pecuniary interest to Item 7.1 (Report PLAN2018-039) as he represents a buyer for lands in the Future Development Area referred to in the report. He noted that he would be present for the public meeting to hear the comments and Ms. Barrie's presentation, but would vacate his seat for any vote. Mr. Barkwell left the meeting at 2:31 p.m. prior to the vote on the staff recommendation.

No other declarations of pecuniary interest were noted.

3. Public Meeting

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2018-040

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

The Chair requested staff to advise on the manner of giving notice for the proposed Official Plan and Zoning By-law Amendments. He also asked staff to

briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. He summarized the application, explaining that it proposes 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). Full consistency with the Provincial Policy Statement, and conformity with the Growth Plan will be established with further review of the application and any comments. Mr. Harding summarized the comments received to date, as detailed in his report. Staff are recommending that the application be referred back to staff for further review. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Nolan Drumm of EcoVue Consulting spoke on behalf of the applicant. He stated that the second dwelling unit on the current property was constructed for a family member with special needs, and now since their passing the dwelling unit has become to much of a financial burden to maintain. He stated that an Agricultural Impact Study has been conducted, and that the application would have no negative impact on the surrounding agricultural lands. He responded to questions from Committee members.

The Chair inquired if anyone wished to speak to the application.

Jim Richardson, of 376 Ranch Road, identified that cattle had been using the agricultural lands in the past, and that this was the first year the property and barn had not been used for livestock.

No other persons spoke to the application.

3.2 PLAN2018-041

An application to amend the Village of Omemee Zoning By-law 1993-15 (Foley)
Mark LaHay, Planner II

The Chair requested staff to advise on the manner of giving notice for the proposed Zoning By-law Amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120m, and a sign was posted the subject property. He summarized the application, explaining that it proposes to permit, in addition to all the permitted General Commercial (C1) Zone uses, two (2) residential dwelling units in an existing building that does not presently contain another permitted General Commercial (C1) Zone use. The application appears to conform to the Growth Plan and appears to be consistent with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from several parties. Community Services identified no concerns with the application. Also, a series of similar pieces of correspondence opposed to the application, due to perceived conflicts with the Official Plan, Zoning By-law, and Downtown Revitalization Plan, and a reduction in the amount of commercial space available in Omemee, were received from:

- Don and Bonnie Mitchell
- Julie Kellett
- Heather Grassie
- James Caton & Nonie Taylor
- Brian McCuaig
- Ray and Donna Hunter
- David and Hilda Vair
- Craig Follett
- Joanne Windrem
- William McQuade
- Veronica Wickens
- Douglas Kennedy
- Lynn Christie
- Cara Mitchell

Further comments received from Matthew Hutchison supporting rezoning the property to residential and applying a historic designation to building. Staff are recommending that the 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. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Kevin Duguay of Community Planning and Consulting Inc. spoke on behalf of the applicant. He provided an overview of the application and the property, and he stated that he has reviewed all the public responses, and specified that the zoning proposal does not remove the commercial zoning component, however does permit two residential units in the building. He does not believe that the zoning change will change the character of the Omemee Downtown area, and emphasized that the application is compliant and consistent with the relevant planning documents. Overall he stated the application represents good planning, and thanked staff for their assistance. He responded to question from Committee members.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

The Public Meeting concluded at 1:34 p.m.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2018-023

Moved By Councillor Stauble

Seconded By Councillor Macklem

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.

Carried

4.2 Item 3.2

PAC2018-024

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend 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.

Carried

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2018-039

Secondary Plans Appeals Update

Leah Barrie, Policy Planning Supervisor

The Chair noted that following a brief presentation from Ms. Barrie, a Public Meeting as per the definition in the City's Procedural By-law would be held to take public comments on the report.

Ms. Barrie introduced herself to the committee and gave an overview of the current status of the various Secondary Plan appeals. She emphasized that while public comments would be received today, it is not a statutory public meeting. She stated that City staff has prepared revisions to address various issues raised in the appeals by the Ministry of Municipal Affairs. She provided an overview of the various revisions as noted in her report, noting that they focused on three key categories: Urban Settlement Area Boundaries, Future Development Areas, and Secondary Suites. She stated that there will be an opportunity to present the revisions at the next prehearing conference scheduled in October of 2018. Ms. Barrie, Mr. Holy, and Ms. Carlson responded to questions from the Committee members.

Note to Minutes: Resolutions to Item 7.1 were adopted following Items 7.1.1 and 7.1.2.

PAC2018-026

Moved By Councillor Stauble

Seconded By Councillor Veale

Recommend 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.

Carried

PAC2018-027

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend that staff report back to the Planning Advisory Committee regarding the classification and designation of lands held by Vizatimet Farms Ltd. at the northeast corner of CKL Road 36 and CKL Road 17.

Carried

7.1.1 PC2018-05.7.1.1

Public Comments

The Chair opened the meeting to public comments at 2:06 p.m.

John Passalacqua, spoke on behalf of Vizatimet Farms Ltd and provided an overview of the project located near the corners of CKL Road 36 and CKL Road 17 in Lindsay. He provided an overview of his correspondence submitted to the committee, noting their concerns with the Prime Agricultural designation on the lands, the removal of the future residential designation (with a request to change the designation to Rural), and site servicing concerns. He requested that Council direct staff to work together with their organization to have the lands redesignated as Rural, noting their desire to work as equal stake holders.

Michael Testaguzza, spoke on behalf of the Biglieri Group Ltd in relation to the Vizatimet Farms Ltd. property, noting their desire to have the lands redesignated from Prime Agricultural to Rural. He stated that they are seeking a Council

resolution to direct staff to meet with Biglieri to report how the lands can be redesignated.

Richard Taylor spoke on behalf of his client, Fenelon Trails Inc. and stated that they are encouraged by the staff report, and want to achieve a settlement between all parties as certainty helps the economic position of his client. They are requesting that the Fenelon Falls Secondary Plan appeal be segregated out of the other appeals, as they believe that would provide a better prospect for a resolution.

Doug Carroll spoke on behalf of Jim Webster (Black Bear Estates Inc.) and expressed frustration with the comments from the Province regarding their lands, as he stated that the lands are currently on serviceable lands with a conceptual plan of subdivision. He provided an overview of his correspondence submitted to the committee and requested that the Fenelon Falls Settlement Area boundary and Fenelon Falls Servicing Boundary encompass all the Webster land and the redesignation of lands as residential, deletion of the significant woodlands and unevaluated wetlands, and the removal of repetitive policies in his correspondence be adopted by Council.

Committee Member M. Barkwell left the meeting at 2:31 p.m. and did not return to the Council Chambers.

The Chair closed the meeting to public comments at 2:43 p.m.

7.1.2 PC2018-05.7.1.2

Correspondence Received

PAC2018-025

Moved By Councillor Junkin

Seconded By Councillor Stauble

Recommend that, the correspondence received and circulated to the members of the committee from:

- Vizatimet Farms Ltd.
- Richard Taylor
- The Biglieri Group
- DC Planning Services Inc.

regarding Report PLAN2018-039, Secondary Plans Appeals Update, be received.

Carried

7.2 PLAN2018-044

Information Report on the Local Planning Appeal Tribunal

Anna Kalnina, Planner II

Ms. Kalnina provided a presentation to the Committee on the overview of the recent changes to the land use planning and appeal system as a result of Bill 139. Her presentation highlighted the background to the changes and when the LPAT (Local Planning Appeals Tribunal) replaced the OMB (Ontario Municipal Board), the transition rules, key changes to the appeal process, and new consistency and conformity tests. She also illustrated when there may be two-part appeals, how are non-decision appeals treated, and identified other changes that are now in-force. She responded to questions from the committee members. The committee requested that the presentation be attached to the minutes for circulation to Council.

PAC2018-028

Moved By Councillor Veale

Seconded By Mayor Letham

Recommend that Report PLAN2018-044, Information Report on the Local Planning Appeal Tribunal, be received.

Carried

8. **Adjournment**

Moved By Councillor Macklem

Seconded By D. Girard

That the Planning Advisory Committee Meeting adjourn at 3:08 p.m.

Recommendations made at the May 9, 2018 Planning Advisory Committee Meeting:

PAC2018-023

Moved By Councillor Stauble

Seconded By Councillor Macklem

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PAC2018-024

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend 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

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Seconded By Councillor Stauble

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- The Biglieri Group

- DC Planning Services Inc.
regarding Report PLAN2018-039, Secondary Plans Appeals Update, be received.

PAC2018-026

Moved By Councillor Stauble

Seconded By Councillor Veale

Recommend 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.

PAC2018-027

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend that staff report back to the Planning Advisory Committee regarding the classification and designation of lands held by Vizatimet Farms Ltd. at the northeast corner of CKL Road 36 and CKL Road 17.

PAC2018-028

Moved By Councillor Veale

Seconded By Mayor Letham

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