

The Corporation of the City of Kawartha Lakes
Minutes
Planning Advisory Committee Meeting

PC2018-09
Wednesday, September 12, 2018
1:00 P.M.
Victoria Room
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 1:00 p.m. Mayor A. Letham, Councillors B. Junkin, R. Macklem, H. Stauble and A. Veale and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Supervisor of Policy Planning L. Barrie, Supervisor of Development Engineering C. Sisson, Planning Officer - Large Developments I. Walker, and Planners II D. Harding and Q. Adebayo were also in attendance.

Absent: G. Miller, M. Barkwell

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

Moved By Councillor Junkin

Seconded By Councillor Macklem

That the agenda for the Wednesday, September 12, 2018 Planning Advisory Committee Meeting be adopted as circulated.

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest 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 PLAN2018-070

An application to amend the Township of Emily Zoning By-law 1996-30 to rezone the land surrounding 791 Cottingham Road to Rural Residential Type One (RR1) Zone and rezone the land on the balance of the property (795 Cottingham Road) to permit only one single detached dwelling (Fife)

David Harding, 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. 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 rezone the lands as a condition of the provisional consent granted on the property at the April 20, 2018 Committee of Adjustment meeting. As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit more than one single detached dwelling. The application is consistent with the decision of the Committee of Adjustment, and is therefore consistent with the Provincial Policy Statement and conforms to the Growth Plan and Official Plan. Mr. Harding 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 the Engineering and Corporate Assets and Community Services Departments, and the Chippewas of Rama First Nations with no concerns. Staff are recommending that the application be forwarded to Council for approval.

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

Hugh Fife spoke on behalf of the owner, and made himself available to any questions from committee. He noted the severed land will only have a residence and a shed, and the other lands will retain the agricultural zoning including a restriction to only permit one residence on the lands.

He responded to questions from the members of the committee.

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

No other persons spoke to the application.

3.2 PLAN2018-073

An application to amend the Township of Mariposa Zoning By-law to add an observation tower as a permitted use and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa (Alden and Sommerville)

Ian Walker, Planning Officer - Large Developments

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. Walker 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 add an additional use to the property and amend the development standards to recognize an existing 10.5m high osprey observation tower which

was constructed in the absence of any building permits. Staff are of the opinion that the tower does not conform with the Growth Plan, and is not compatible with local land uses and local landscapes as a stated requirement in the Provincial Policy Statement (PPS). Mr. Walker 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 a number of local residents and property owners. Comments from residents opposed stated concerns with privacy, aesthetics, and the height of the tower, as well as the precedence set of building without a permit. Comments from residents in support of the application noted the environmental benefits to viewing the osprey, and how the local tree canopy offers privacy from the tower. Staff are recommending that the application be denied. He responded to questions from Committee members.

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

Scott Sommerville spoke as the owner of the property. He noted his years of experience as an electrical lineman, and Suzanne's background in various environmental endeavors. He noted that the tower constructed allows for people to view the natural habitat of the osprey nest at top of another nearby pole. He presented a variety of images and a video of the views from the tower at different heights and facing different directions. He noted that he can see more from his front porch of his neighbours, than atop the tower due to the tree canopy. He responded to questions from the members of the committee.

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

Doug Carroll spoke as a registered professional planner who was asked to comment on the application by the owners. He noted the history of the structure since its initial construction in June, 2016, including the complaint, application for a building permit post-construction, and a denial of a request for a Minor Variance. He noted that the tower is not in compliance with the general provisions of the zoning by-law, in that it is 4 metres taller than the allowed provisions. He noted that the structure is within the required setbacks from property lines, and that he does not believe the Growth Plan and PPS have concern to accessory structures in backyards. He noted that the pictorial evidence provided by the owner shows the view of neighbouring properties obstructed by the tree canopy, and that the platform would not be used in inclement weather when the tree canopy is reduced. He stated that a number of letters of support, and a petition were submitted, and that it represents good planning to approve the accessory structure. He responded to questions from

Committee members.

Penny Knapp of 131 Oakdene, directly across the street from the owner, stated that she has known the applicants since they moved into the neighbourhood, and their support to see various species of birds and the environment flourish. She stated that they constructed the platform with safety in mind, to allow people to view the osprey. She stated that she feels the tower blends in beautifully into the environment, and that she is more concerned about her privacy from trespassers on her property than people looking in from the tower. Overall, she stated that this is a small positive step to make a difference in environmental protection. She responded to questions from Committee members.

James Blair of 130 Oakdene, submitted a letter of his concerns and wanted to review them. He first questioned if the osprey nest was even visible from the platform. He then expressed concern for safety of the structure, and location on grade, and proximity to the property line if the structure failed. He noted liability concerns if children climbed the tower without permission. He stated that pictures provided now show the view with the full canopy, but does not show how his privacy is effected when the trees have no leaves in the winter. He also noted that the structure interferes with his spiritual practice, and infringes on his privacy. He noted that the tower was constructed without a permit, and allowing it to remain may set a precedence. He responded to questions from Committee members.

Olga Zavarzin of 135 Oakdene noted that she is a spiritual person and does not see any problem with the structure, and stated she is concerned for the local environment.

No other persons spoke to the application.

The Public Meeting concluded at 2:15 p.m.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2018-037

Moved By Mayor Letham

Seconded By Councillor Stauble

Recommend that Report PLAN2018-070, respecting Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road – Application D06-2018-020, be received;

That a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix “D” to Report PLAN2018-070, 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.

Carried

4.2 Item 3.2

Moved By Councillor Stauble

Seconded By Councillor Junkin

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That PLAN2018-073 respecting Application D06-2018-022 be denied.

Motion Failed

PAC2018-038

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be approved;

That a by-law respecting the application be brought forward for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this report be attached to the Minutes of the September 12, 2018 Planning Advisory Committee meeting.

Carried

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2018-067

Follow-up regarding matters identified at the May 9, 2018 Planning Advisory Committee Meeting involving Vizatimet Farms Ltd.

Leah Barrie, Policy Planning Supervisor

Ms. Barrie provided an overview of this follow-up report from resolution PAC2018-027 adopted at the May 9, 2018 Planning Advisory Committee Meeting. She noted that additional correspondence was received from John Passalacqua, owner of Vizatimet Farms Ltd., and responded to their correspondence requesting to have their lands designated Rural from the current Prime Agricultural. She said the request has not been associated with a site-specific Official Plan Amendment application, or through an appeal to the 2012 Kawartha Lakes Official Plan. She also advised that the LEAR study submitted by Vizatimet should only be utilized in conjunction with a larger Municipal Comprehensive Review of all the lands within the area. She responded to questions from the members of the committee.

PAC2018-039

Moved By Mayor Letham

Seconded By Councillor Junkin

Recommend that Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Carried

7.2 PLAN2018-071

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)

Mr. Harding confirmed that a Public Meeting on this matter was held on May 9, 2018 in accordance with the Planning Act. He summarized the applications, 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). The applications do not conflict with the Growth Plan or the Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report. Staff are recommending that the applications be referred to Council for approval. He responded to questions from Committee members.

PAC2018-040

Moved By Councillor Veale

Seconded By Councillor Junkin

Recommend that Report PLAN2018-071, 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;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, 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 these applications.

Carried

7.3 ENG2018-016

Municipal Infrastructure Design Guidelines – Annual Update
Juan Rojas, Director of Engineering and Corporate Assets

Ms. Sisson responded to questions from the committee members.

PAC2018-041

Moved By Mayor Letham

Seconded By Councillor Macklem

Recommend that Report ENG2018-016, **Infrastructure Guidelines – Annual Update**, be received; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City’s website.

Carried

8. Adjournment

Moved By Councillor Stauble

Seconded By Councillor Macklem

That the Planning Advisory Committee Meeting adjourn at 2:45 p.m.

Carried

Recommendations from the September 12, 2018 Planning Advisory Committee Meeting:

PAC2018-037

Moved By Mayor Letham

Seconded By Councillor Stauble

Recommend that Report PLAN2018-070, respecting **Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road** – Application D06-2018-020, be received;

That a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix “D” to Report PLAN2018-070, 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.

Carried

PAC2018-038

Moved By Mayor Letham

Seconded By Councillor Veale

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville** – Application D06-2018-022, be received; and

That Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be approved;

That a by-law respecting the application be brought forward for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this report be attached to the Minutes of the September 12, 2018 Planning Advisory Committee meeting.

Carried

PAC2018-039

Moved By Mayor Letham

Seconded By Councillor Junkin

Recommend that Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Carried

PAC2018-040

Moved By Councillor Veale

Seconded By Councillor Junkin

Recommend that Report PLAN2018-071, 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;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, 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 these applications.

Carried

PAC2018-041

Moved By Mayor Letham

Seconded By Councillor Macklem

Recommend that Report ENG2018-016, **Infrastructure Guidelines – Annual Update**, be received; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City’s website.

Carried