

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

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2019-03**

**Wednesday, March 6, 2019**

**1:00 P.M.**

**Council Chambers**

**City Hall**

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

#### **Members:**

**Mayor Andy Letham**

**Councillor Patrick O'Reilly**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Mike Barkwell**

**Tammy Smith**

**Jason Willock**

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	PLAN2019-010	4 - 17
	<p>Quadri Adebayo, Planner II</p> <p>An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the retained agricultural portion of the property from a Rural General (A1) Zone to Rural General Exception (A1-**) Zone to prohibit residential uses; and on the severed residential portion from Rural General (A1) Zone to Rural Residential Type One Exception (RR1-**) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 13, Concession 9, Geographic Township of Manvers, now City of Kawartha Lakes, identified as 77 Twigg Road (Youngfield Farms Ltd.) – Planning File D06-2019-003)</p>	
3.2	PLAN2019-014	18 - 28
	<p>David Harding, Planner II</p> <p>An application to amend the Township of Verulam Zoning By-law 6-87 to rezone the property to facilitate a condition of provisional consent to sever rural land and consolidate it with an existing vacant rural residential lot. The portion of the proposed severed lands near the shoreline are to be rezoned from General Rural (A1) Zone to an Open Space (OS) Zone to prohibit the construction of buildings. The balance of the proposed severed land, as well as the benefitting land is to be rezoned from General Rural (A1) Zone to a General Rural Exception Zone to adjust the setback requirements of the enlarged vacant rural residential lot. The property is described as Part of Lots 12-14, Concession 9, Geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane (Elley) – Planning File D06-2019-002</p>	

3.3	PLAN2019-015	29 - 42
	Mark LaHay, Planner II Applications for Official Plan Amendment and Zoning By-law Amendment to permit residential condominium development consisting of 24 townhouse dwellings and an apartment building containing 40 dwelling units on West Street North, Geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)	
4.	<b>Business Arising from Public Meeting</b>	
5.	<b>Deputations</b>	
5.1	PC2019-03.5.1	43 - 45
	Kevin M. Duguay Zoning By-law Amendment Application 4 Lindsay Street, Fenelon Falls, Report PLAN2019-012 (Item 3.2 on the Agenda)	
6.	<b>Correspondence</b>	
7.	<b>City of Kawartha Lakes Reports</b>	
7.1	PLAN2019-012	46 - 61
	David Harding, Planner II An application to amend the Village of Fenelon Falls Zoning By-law 89-25 to rezone the property to permit the modernization and redevelopment of an existing gas station use to add features such as an overhead gas island canopy. The property is described as Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street (2607892 Ontario Inc.) – Planning File D06-2018-031	
7.2	PLAN2019-016	62 - 109
	Mark LaHay, Planner II An application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel)	
8.	<b>Adjournment</b>	

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-010**

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**Date:** March 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**  
**Ward Community Identifier: 8 - Manvers**

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**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the retained agricultural portion of the property from a Rural General (A1) Zone to Rural General Exception (A1-\*\*) Zone to prohibit residential uses; and on the severed residential portion from Rural General (A1) Zone to Rural Residential Type One Exception (RR1-\*\*) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 13, Concession 9, geographic Township of Manvers, now City of Kawartha Lakes, identified as 77 Twigg Road (Youngfield Farms Ltd.) – Planning File D06-2019-003)

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**Author and Title:** Quadri Adebayo, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2019-010, respecting Part of Lot 13, Concession 9, geographic Township of Manvers, and identified as 77 Twigg Road; Application No. D06-2019-003, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2019-003, substantially in the form attached as Appendix D to Report PLAN2019-010, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On August 7, 2018, a notice of provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-17-045 to sever an approximately 1 hectare (2.47 acres) residential lot containing a single detached dwelling and three accessory buildings, and retain approximately 30.50 hectares (76.25 acres) of agricultural lands and open space lands. The retained land will be consolidated with non-abutting agricultural land. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

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

1. prohibit residential use on the agricultural lands;
2. permit a reduction in the minimum lot area requirement from 38 hectares to 30.5 hectares;
3. to have the retained lands be considered one lot for lot area requirements where there are two zones; and
4. the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law.

For the severed land, the conditions of provisional consent require the land to be rezoned in order to:

1. restrict the use on the lot to residential and residential accessory uses;
2. permit a reduction in the minimum lot frontage requirement from 38 metres to 13.23 metres; and
3. permit an existing 8 square metre accessory building used to house livestock equivalent of chickens.

Owner:	Youngfield Farms Ltd.
Applicant:	Robert Clark, Clark Consulting Services
Legal Description:	Part of Lot 13, Concession 9, geographic Township of Manvers
Designation:	Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone within the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 31.5 hectares (approximate) – Coe Fisher Cameron Severed – 1 hectare, Retained – 30.5 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Unserved
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North, West and East: Agricultural, Rural Residential and Wetland

## South: Agricultural and Rural Residential

### **Rationale:**

The property is located on the east side of Highway 35 (refer to Appendix A). The subject property and the surrounding lands are primarily agricultural lands with some rural residential lots that appear to have been created from the larger farm parcels they abut. The prime agricultural lands are to be protected and preserved from new residential development or any other incompatible land use(s) that may hinder existing or future agricultural operations. As well, a separate road entrance exists for the farming operation. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted the required application to amend the Zoning By-law that will, if granted, fulfil this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel in the same ownership name identified as Part Lot 3, Concession 3, RP57R10446, Part 1.

Regarding the severed lot, the parcel comprises of a 1½ storey brick house, a septic bed, a frame garage, an approximately 5 square metre frame shed with well inside, an approximately 8 square metre frame shed used to house chickens, and a separate driveway access. The entire width of the driveway access abutting Twigg Road accounts for a fraction of the reduced lot frontage that forms part of the rezoning. The residential lot is deemed surplus to the needs of the farm operation.

The applicant submitted a Planning Justification Report prepared by Bob Clark of Clark Consulting Services, dated November 2017 in support of the application. This document discusses the insignificance of the potential odour conflict that is already present between any neighbouring livestock facility and the existing dwelling, and the appropriateness of the proposed consent in keeping with the provincial policy for the protection of agricultural lands.

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

### **Provincial Policies:**

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

Section 2.2.9 indicates development outside of settlement areas may be permitted where compatibility with the rural landscape is assured, and where agricultural uses and other resource-based uses will not be adversely affected. Section 4.2.6 provides for the retained lands and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

The residential dwelling is an established land use that appears to be compatible with the surrounding land uses. The location of the existing servicing (well and

septic) and the proposed lot configuration ensures that the adjacent farmland will be unfettered and maintained for agricultural uses.

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

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

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

The application to rezone the retained agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The northerly abutting open space lands to be recognized in conjunction with the retained land through this rezoning will provide for the long term protection of this natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are required not to be in the flood plain.

The proposed rezoning for the severed residential lot meets the lot creation policy in prime agricultural areas [Section 2.3.4.1(c)] as the parcel size complies with the maximum 1 hectare allowed and has also been demonstrated to be able to accommodate for sewage and water services. In relation to the existing chicken coop, the Minimum Distance Separation Formulae (MDS1) is not applied as the potential odour conflict already exists between the dwelling and any barn or livestock facility within 500 metres of the subject lands.

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

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

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

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

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

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

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

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

The O1 Zone permits golf courses, parks, and agricultural uses. The O1 Zone does not permit buildings or structures except for erosion or flood control purposes. The proposed amendment would ensure that agricultural use will remain compatible with the long term protection of the O1 Zone.

The General Provisions Section 20.16 has requirements where there are multiple zones on a lot. When a lot is created by consent, the retained lot must comply with the minimum lot area and lot frontage of the applicable zones. The O1 Zone does not have lot area or lot frontage requirements. The retained lot will comply with the A1 minimum lot frontage requirement of 183 m. The property was created after the current Zoning By-law, thus is required to meet the A1 lot area minimum requirement. The retained lot will have about 30.5 hectare of agricultural lands, which does not meet the minimum 38 hectare lot area requirement for the A1 Zone. The proposed amendment would allow the deficiency to be recognized and the two zones to be considered as one lot and the minimum lot area requirements of the A1 Zone would apply to the lot as a whole. For clarity, the proposed amendment should specify that the zone boundary shall be considered to be a lot line for the purposes of applying all other requirements of the Zoning By-law. This will ensure that there are adequate setbacks from the wetland buffer for development.

The lot to be severed is deemed to be non-conforming with the 38 metres minimum lot frontage requirement for the RR1 Zone in the By-law at 13.23 metres. The residential lot contains an operational chicken coop (about 8 square metres in area) located in the westerly interior side yard at approximately 8 metres from the house. Considering that the use currently exists as an accessory use to a residential dwelling, the impact has already been established. Besides, the use is contained in an enclosed structure, substantiated by the fact that the severed lot is in a rural area and majorly surrounded by agricultural use lands, whereby potential odour conflict is already present between any possible neighbouring livestock facility and the existing dwelling. As such, no land use compatibility issues are anticipated. In fulfillment of the RR1 zoning provisions,

the proposed amendment from A1 Zone to RR1-\*\* Zone would recognize the severed lot as a primarily residential use lot having a reduce lot frontage on Twigg Road, with an exception permission to allow the existing chicken coop to remain as an accessory use on the residential lot.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the 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 Recommendations to the 2016-2019 Strategic Plan:**

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

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

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

### **Servicing Comments:**

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

### **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. As of February 19, 2019, we have received the following comments:

Public Comments:

No comments were received.

**Agency Comments:**

On February 7, 2019, the Building Division advised that they have no concerns with the application.

On February 8, 2019, the Engineering and Corporate Assets Department advised they have no objections to the proposed application.

On February 18, 2019, the Community Services Department advised they have no concerns with respect to this application.

On February 19, 2019, the Ministry of Transportation advised that the subject land is outside their control area and as such they do not have concerns with the application.

On February 20, 2019, the Part 8 Sewage Systems Supervisor – Building Division advised that they have no objection to the proposed zoning amendment to recognize the zoning changes for the agricultural farm consolidation.

**Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix D will ensure that the severed lot is dissociated from the farming operation and that the retained land will be preserved for agricultural use whilst implementing both Provincial and City policies.

**Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 20, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

**Attachments:**

**Appendix A – Location Map**



Appendix A.pdf

**Appendix B – Orthoimage**



Appendix B.pdf

## Appendix C – Applicant Sketch – received November 21, 2018



Appendix C.pdf

## Appendix D – Draft Zoning By-law Amendment



Appendix D.pdf

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-003

to

REPORT PLAN2019-010

FILE NO: D06-2019-003

# Geographic Township of Manvers

Lifford Road

Highway #35

SUBJECT LAND

Concession 9

Twigg Road

Lot 12

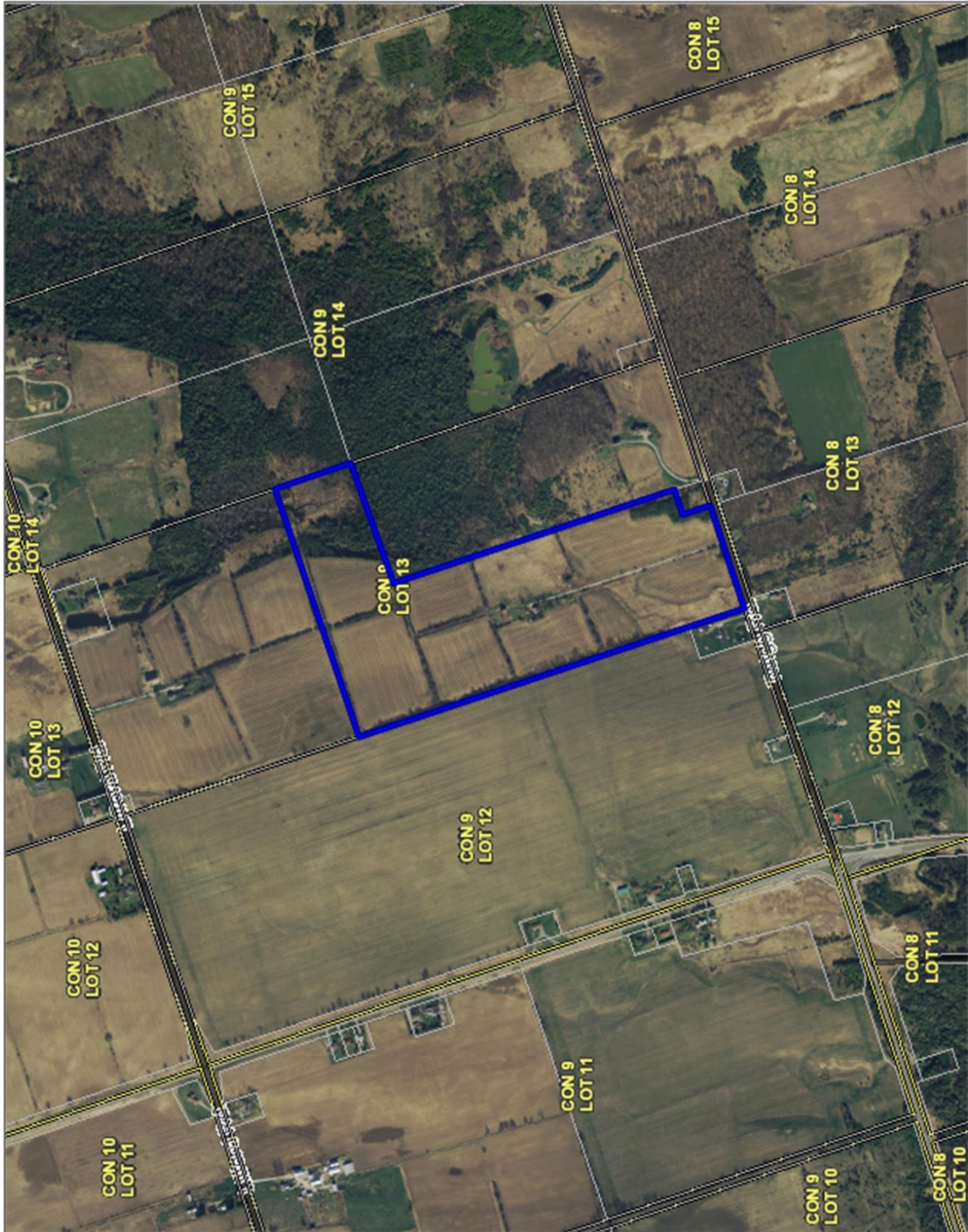
Lot 13

Lot 14

Concession 8



# 77 Twigg Road, Geographic Township of Manvers



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

**Notes**

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



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



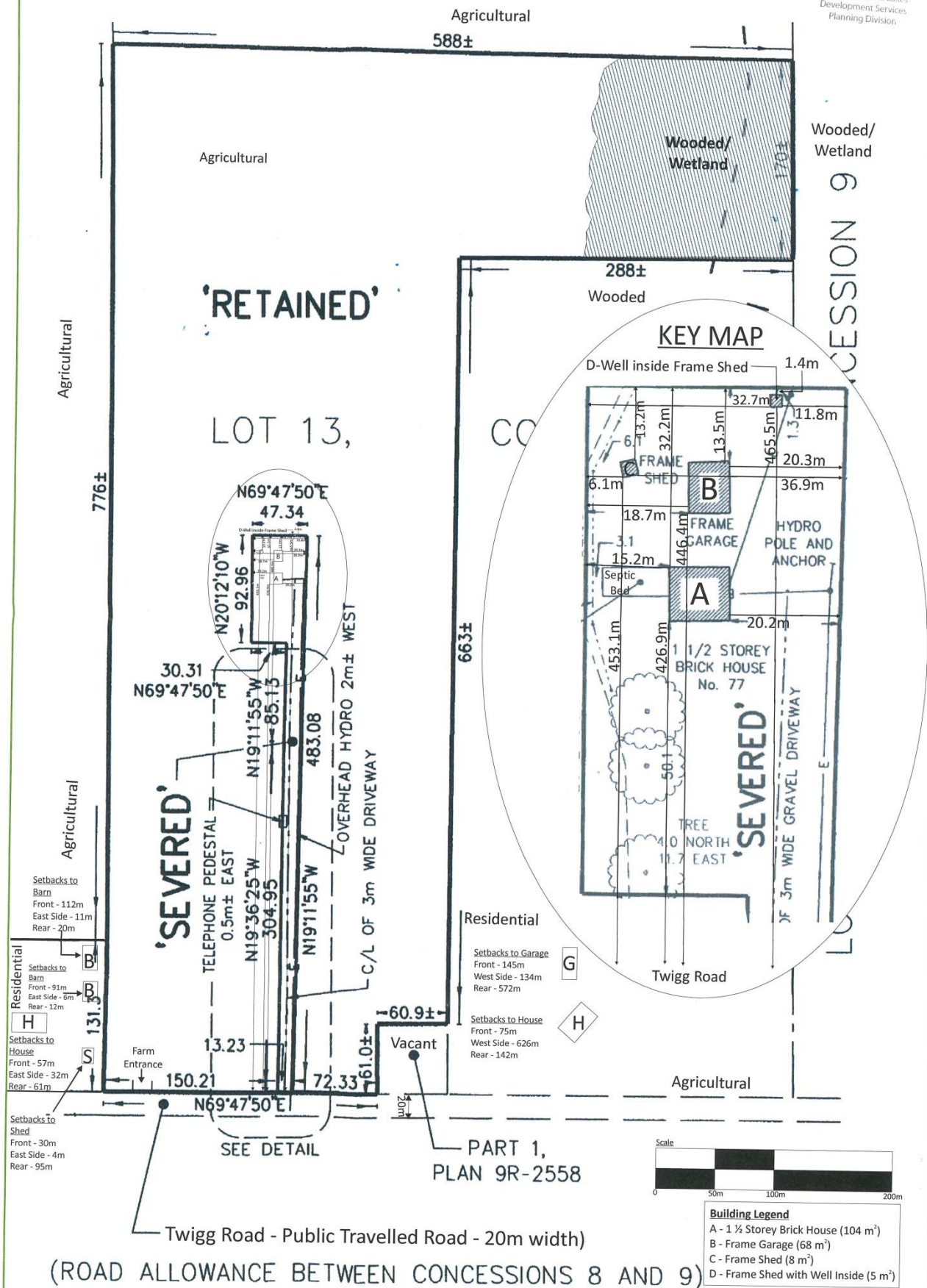
to

REPORT PLAN2019-010

FILE NO: D06-2019-003

Zoning Application Sketch  
 Part of Lot 13, Concession 9, Geographic Township of Manvers  
 City of Kawartha Lakes  
 Youngfield Farms - No. 77 Twigg Road

Development Services  
 Planning Division



**The Corporation of the City of Kawartha Lakes****By-Law 2019 -****A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2019-003, Report PLAN2016-010, respecting Part Lot 13 Concession 9, former Township of Manvers, identified as 77 Twigg Road – Youngfield Farms Ltd.]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific retained parcel of land for:
  - a) the Rural General (A1) Zone to prohibit residential use on the agricultural lands;
  - b) a reduction in the minimum lot area requirement for the A1 Zone from 38 hectares to 30.5 hectares;
  - c) the A1 Zone and the northerly abutting Open Space (O1) Zone be considered as one (1) lot area; and
  - d) the zone boundary to be considered a lot line for the purposes of the Zoning By-law requirements on the proposed retained portion of the property to fulfil a condition of consent approval.
3. Council has received an application to amend the categories and provisions relating to a specific severed parcel of land for:
  - a) the Rural Residential Type One Zone (RR1) Zone to restrict the use on the lot to residential and residential accessory uses;
  - b) a reduction in the minimum lot frontage requirement for the RR1 Zone from 38 metres to 13.23 metres; and
  - c) the RR1 Zone to have a single accessory building not exceeding 8 square metres to house chickens.
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 13, Concession 9, former Township of Manvers, now City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Rural General Special 39 (A1-S39) Zone as shown on Schedule A attached to this By-law.
- 1.03 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 10.4:

“mm. Notwithstanding Subsection 10.1 and Subsection 10.2 article a., on lands zoned A1-S39, a dwelling and accessory uses thereto are not permitted and the minimum lot area shall be 30.5 hectares.”

1.04 **Textual Amendment**: By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 20.16:

“h. Where the A1-S39 and O1 appear together on any schedule to the Bylaw and share a common boundary, then the combined area of the A1-S39 and O1 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”

1.05 **Schedule Amendment**: Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Rural Residential Type One Special 21 (RR1-S21) Zone as shown on Schedule A attached to this By-law.

1.06 **Textual Amendment**: By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 3.3:

“u. Notwithstanding Subsection 3.2 articles b. and l., Subsection 20.1 article a, and Section 21, on lands zoned RR1-S21, the following shall apply:

- i. Minimum lot frontage 13.23 metres
- ii. A single accessory building not exceeding 8 square metres may be used for keeping livestock equivalent of chickens, calculated in accordance with the Minimum Distance Separation (MDS) Formulae.

All other requirements of the RR1 Zone and the By-law shall apply to lands zoned RR1-S21.”

## **Section 2:00 General Terms**

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

By-law read a first, second and third time, and finally passed, this \*\* day of March, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF  
**KAWARTHA LAKES**

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

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

**Geographic Township of Manvers**

Highway #35

Lifford Road

O1

A1-S39

Concession 9

RR1-S21

Twigg Road

Lot 12

Lot 13

Lot 14

Concession 8

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-014**

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**Date:** March 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 6 – Emily

**Subject:** An application to amend the Township of Verulam Zoning By-law 6-87 to rezone the property to facilitate a condition of provisional consent to sever rural land and consolidate it with an existing vacant rural residential lot. The portion of the proposed severed lands near the shoreline are to be rezoned from General Rural (A1) Zone to an Open Space (OS) Zone to prohibit the construction of buildings. The balance of the proposed severed land, as well as the benefitting land is to be rezoned from General Rural (A1) to a General Rural Exception Zone to adjust the setback requirements of the enlarged vacant rural residential lot

The property is described as Part of Lots 12-14, Concession 9, geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane (Elley) – Planning File D06-2019-002

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

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### **Recommendations:**

**That** Report PLAN2019-014, respecting Part of Lots 12-14, Concession 9, geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane – Planning File D06-2019-002, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-002, substantially in the form attached as Appendix D to Report PLAN2019-014, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On August 8, 2018 the Director of Development Services granted provisional consent to Consent Application D03-17-020. The application proposed to sever approximately 0.42 hectares of rural land belonging to 34 Berry Lane and add it to the abutting 0.58 hectare vacant rural residential lot.

Conditions of provisional consent were imposed to adjust the zone provisions for residential development.

The applicant has submitted a rezoning application for rural lands addressed as 34 Berry Lane as well as the vacant rural residential lot to the north, which the owners also hold title to. The applicant has submitted the following documentation in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc. dated January 8, 2019. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan and Zoning By-law.

Owners:	Emma and Paul Elley
Applicant:	Nolan Drumm, EcoVue Consulting Services Inc.
Legal Description:	Part of Lots 12-14, Concession 9, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	"Rural" in the City of Kawartha Lakes Official Plan
Zone:	Severed and Retained - "General Rural (A1) Zone" Benefitting Lot: "General Rural (A1) Zone" and "Open Space (OS) Zone" Township of Verulam Zoning By-law 6-87, as amended
Site Size:	Benefitting Lot (Consolidated): 1 hectare Retained: 64.3 hectares
Site Servicing:	Retained: Private Individual Well and Sewage System Severed and Benefitting: None
Existing Uses:	Rural Land
Adjacent Uses:	North: Shoreline Residential East: Little Bob Channel South: Rural, Agricultural West: Rural Residential, Shoreline Residential

## **Rationale:**

### **Provincial Policies:**

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

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses. The lot line adjustment proposes to add to an existing vacant rural residential lot that abuts the recreational resource of Little Bob Channel.

Therefore, this application conforms to the policies of the GP.

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

The 2014 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. Development on rural lands is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate a lot line adjustment to enlarge the area of a rural residential lot. As the lot has the ability to utilize the recreational resource of Little Bob Channel and no new lots are being created that would cause an increase in rural service levels, this proposal is consistent with the intent of development for recreational uses in the PPS.

Therefore, this application is consistent with the PPS.

### **City of Kawartha Lakes Official Plan (OP)**

Land Use Designation: Rural

The designation anticipates an assortment of uses that cannot be contained within settlement areas due to the products and/or services they offer. Such uses are ranching, crop production, and forestry. Within the Rural designation, limited rural residential use is permitted, as are minor lot line adjustments. The Rural designation permits lots for residential purposes provided they do not exceed 1 hectare. The consolidated lot is proposed to fall under the 1 hectare maximum.

While the lot is within the Rural designation, it has shoreline frontage, is intended to function as a shoreline residential lot due to its size and is on the edge of a shoreline residential neighborhood to the north and northwest. That neighborhood is within the Waterfront designation. Due to the location of this lot, direction will also be sought from the lot creation policies within the Waterfront designation.

The Waterfront designation permits lots provided they are at least 4,000 square metres in area. The application meets the policy objectives of both designations by providing for a larger residential lot. Policy 3.11 sets new development 30



metres from the high water mark to retain as much natural shoreline vegetation as possible. The application proposes to amend the zoning by-law amendment to meet this policy objective.

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

The subject property is zoned “General Rural (A1) Zone” in the Township of Verulam Zoning By-law 6-87.

The application seeks to expand the Open Space Zone category along the shoreline to protect it from development and to set an increased water setback to provide for an enhanced buffer between the shoreline and future development.

### **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 Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

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

The 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 healthy environment goal as the application proposes to enlarge an existing vacant rural residential lot.

### **Servicing Comments:**

The retained lot is serviced by a private individual well and septic system and the consolidated benefitting lot is un-serviced.

### **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.

To date comments were received from the Building Division, Building Division Part 8 Sewage Systems, Community Services Department and Engineering and Corporate Assets Department.

No comments were received from the public.

## Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix “D” will ensure the enhanced protection of the shoreline once residential development occurs.

## Conclusion:

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Waterfront” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 18, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix ‘A’ – Location Map



Appendix A to  
PLAN2019-014.pdf

### Appendix ‘B’ – Aerial Photograph



Appendix B to  
PLAN2019-014.pdf

### Appendix ‘C’ – Sketch and Elevation



Appendix C to  
PLAN2019-014.pdf

### Appendix ‘D’ – Draft Zoning By-law Amendment



Appendix D to  
PLAN2019-014.pdf

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

**Department Head:** Chris Marshall

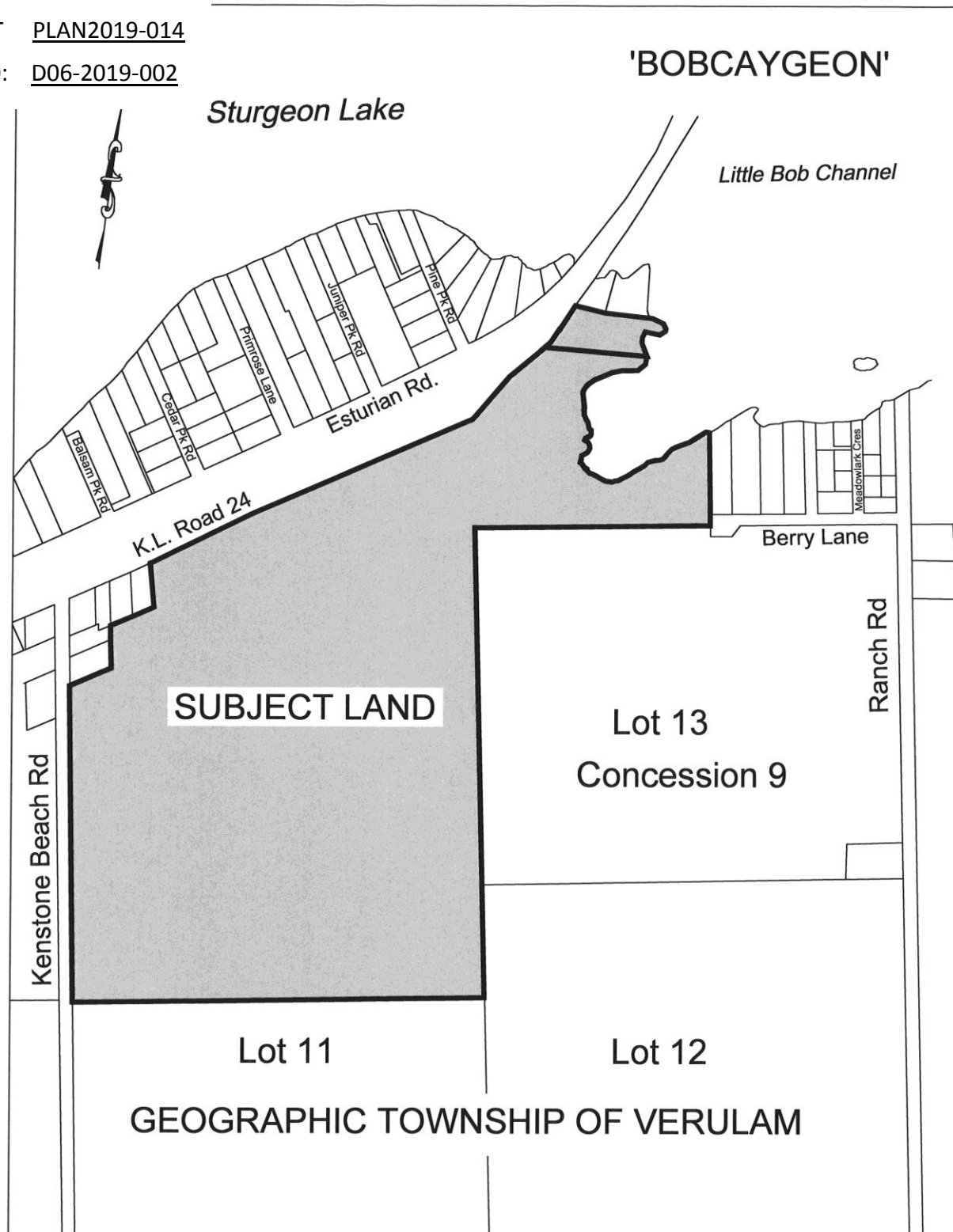
**Department File:** D06-2019-002

APPENDIX " A "

to

REPORT PLAN2019-014

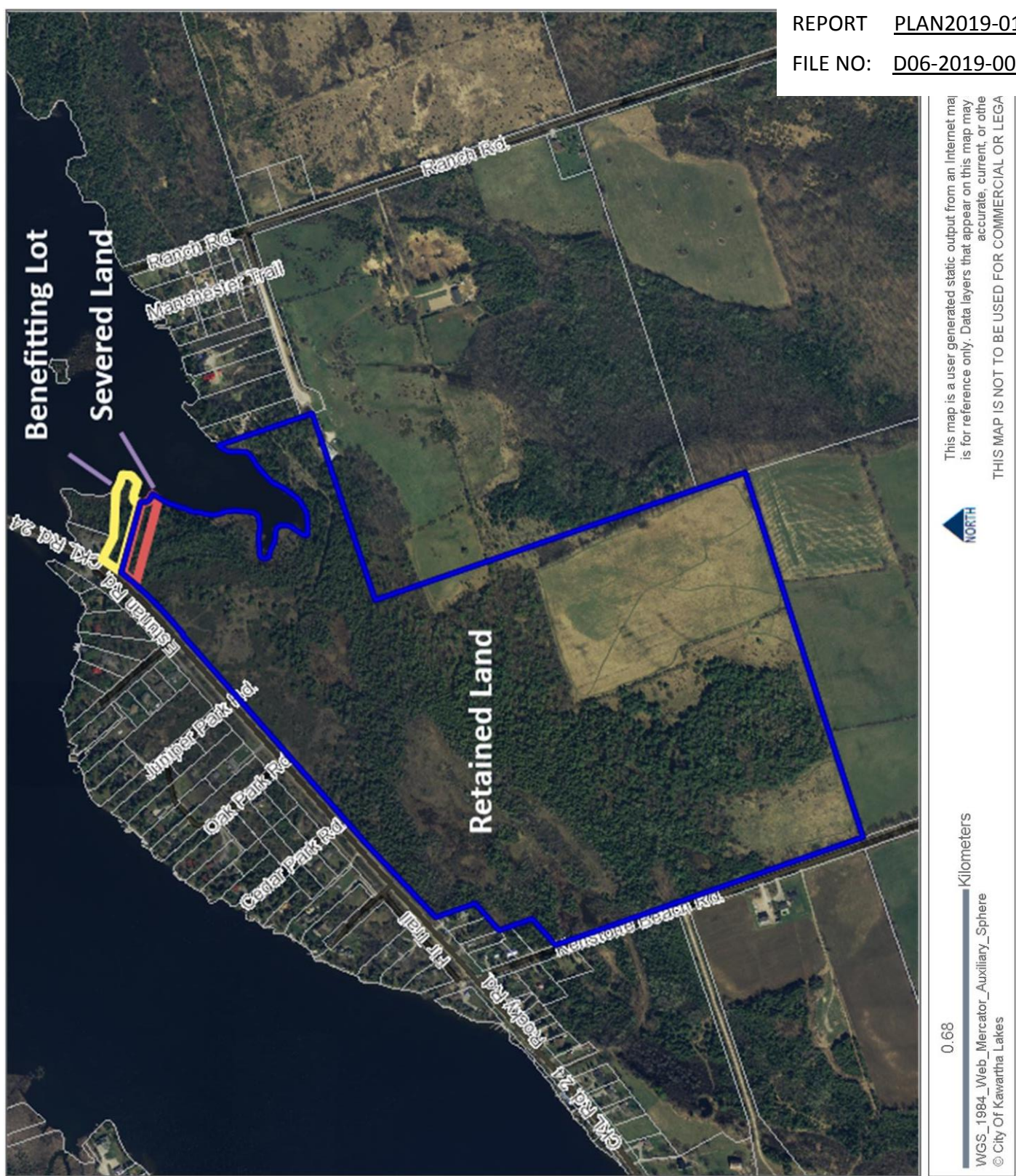
FILE NO: D06-2019-002



to

REPORT PLAN2019-014

FILE NO: D06-2019-002

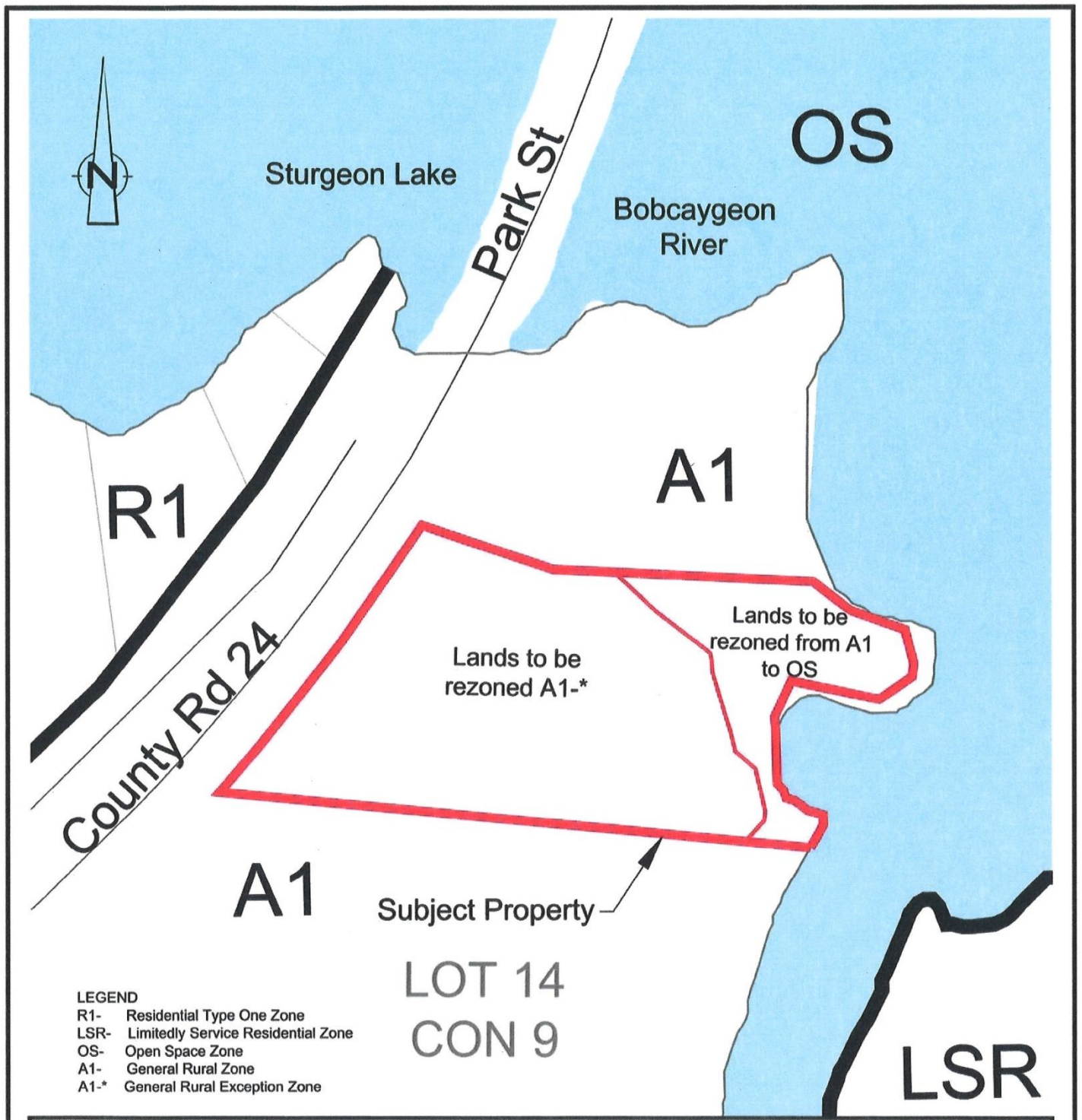




to

REPORT PLAN2019-014

FILE NO: D06-2019-002



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

to

REPORT PLAN2019-014**By-Law 2019 -**FILE NO: D06-2019-002**A By-Law To Amend The Township of Verulam Zoning By-Law No. 6-87  
To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-002, Report PLAN2019-014, respecting Part of Lots 12-14, Concession 9, geographic Township of Verulam, part of which is identified as 34 Berry Lane.

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to re-zone a portion of the shoreline area to Open Space (OS) Zone to prohibit the construction of buildings and to re-zone a portion of the property to increase the water setback.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lots 12-14, Concession 9, geographic Township of Verulam, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended to add the following section to Section 19.3:
 

“19.3.20 Notwithstanding Section 19.2(l), on land zoned A1-20 the minimum water setback is 30 metres. The minimum water setback shall be measured from the high water mark elevation of 248.4 metres above sea level (MASL).

The boundary between the A1-20 and OS Zone categories is the 248.4 MASL contour line.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 6-87 of the Township of Verulam is further amended to change the zone category on a portion of the property from:

- (a) General Rural (A1) Zone to Open Space (OS) Zone. The OS Zone boundary shall follow the 248.4 MASL contour for the land referred to as 'OS', as shown on Schedule 'A' attached to this By-law; and
- (b) General Rural (A1) Zone to General Rural Exception Twenty (A1-20) Zone for the land referred to as 'A1-20', as shown on Schedule 'A' attached to this By-law.

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

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

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

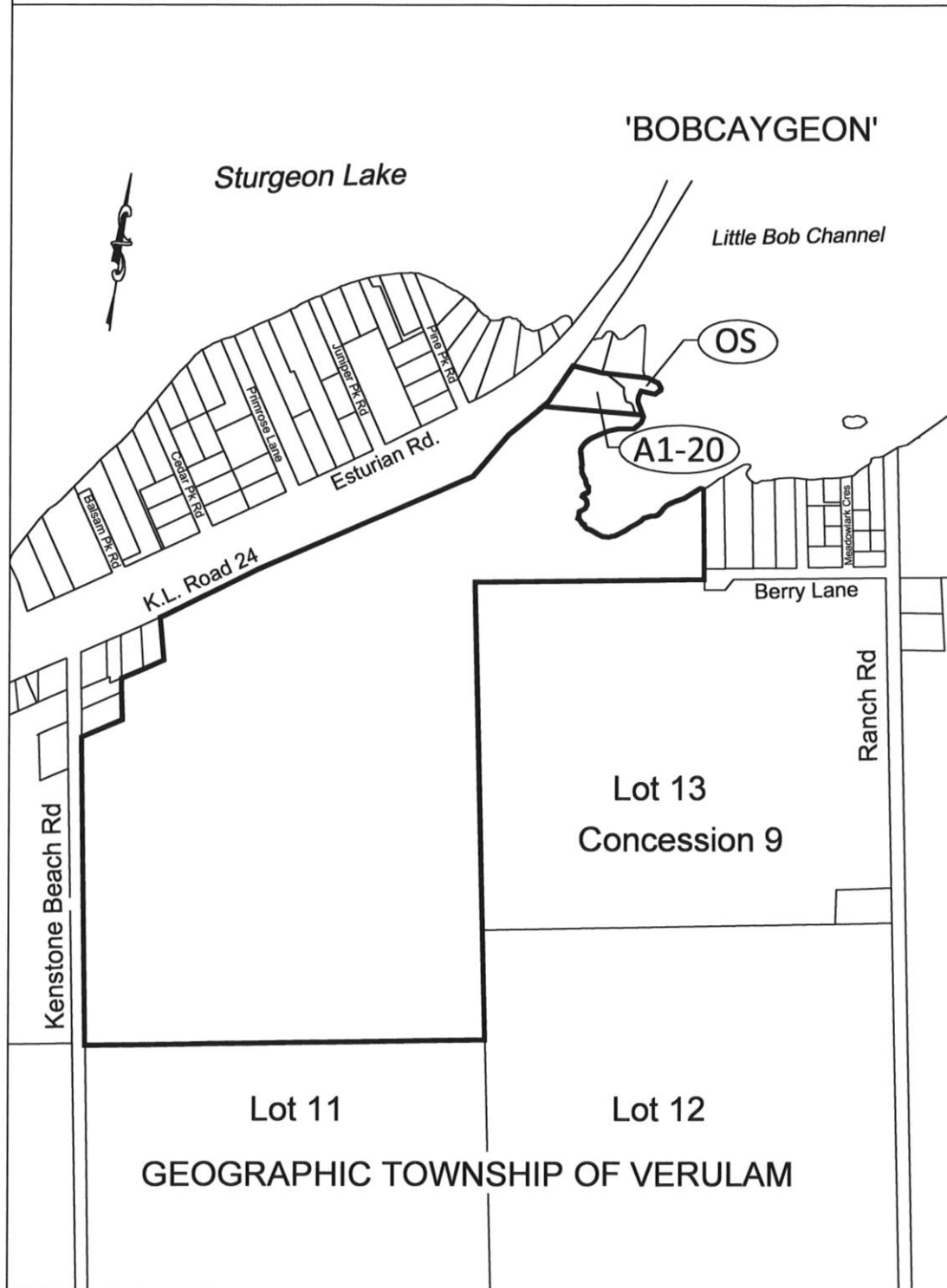
# KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

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





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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-015**

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**Date:** March 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 3 - Fenelon

**Subject:** Applications for Official Plan Amendment and Zoning By-law Amendment to permit residential condominium development consisting of 24 townhouse dwellings and an apartment building containing 40 dwelling units on West Street North, geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)

**Author and Title:** Mark LaHay, Planner II

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### **Recommendations:**

**Resolved That** Report PLAN2019-015, respecting being Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, geographic Township of Fenelon, identified as 19 and 39 West Street North, "Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028", be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The proposal is to permit a residential condominium development consisting of three 5-unit townhouse blocks, three 3-unit townhouse blocks and one four-storey 40-unit apartment building with parking below for a total of 64 dwelling units together with a private stormwater management pond, amenity area and an internal road providing access to parking facilities. The proposal will be developed on full municipal water and sewer services. The purpose of the proposed Official Plan Amendment and Zoning By-law Amendment is to re-designate the lands from the “Urban Settlement – Fenelon Falls Fringe” area designation in the City of Kawartha Lakes Official Plan to an “Urban Settlement – Fenelon Falls Fringe” area designation with a “Special Policy” to permit residential development in the form of townhouse and apartment dwelling units with a density of 44.5 dwelling units per gross hectare and to rezone the lands from the “Future Residential Development (FRD)” Zone to a “Hamlet Residential Exception (HR-\*)” Zone or other appropriate residential zone category with site specific residential zone provisions. It is anticipated that the owners will seek Council’s approval for a Condominium Description Exemption once Site Plan Approval has been granted.

Owners:	Muskoka D&M Corp. (c/o Doug Gray)
Applicant:	EcoVue Consulting Services Inc. – Nolan Drumm
Legal Description:	Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, geographic Township of Fenelon
Designation:	“Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan
Zone:	“Future Residential Development (FRD) Zone” on Schedule ‘A’ of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	1.445 ha. [3.57 ac. – MPAC]
Site Servicing:	Proposed municipal water and sanitary sewer, private stormwater management pond, drainage swales and storm sewers
Existing Uses:	Vacant Land
Previous Uses:	Wood furniture and toy manufacturing and automobile service facility activities
Adjacent Uses:	North: Residential/Cameron Lake East: West Street North/Residential South: Residential West: Bass Street/Commercial/Residential

## **Rationale:**

The property, municipally known as 19 (and 39) West Street North, is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) (see Appendix 'A'). The proposed development borders the Village of Fenelon Falls but is located within the geographic Township of Fenelon. The owners propose a residential condominium development consisting of 24 townhouse dwelling units and 40 apartment dwelling units (see Appendices 'C' and 'D'). The proposed development will be serviced by municipal water and sanitary sewer and storm sewers. The internal components of the development are proposed to be accessed from West Street North and Bass Street through a common elements condominium road. An amendment to the Official Plan and Zoning By-law is necessary to permit the apartment building and townhouse dwelling residential use at a density of 44.5 dwelling units per gross hectare.

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 EcoVue Consulting Services Inc., dated October 23 2018. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law.
2. Concept Plan prepared by EcoVue Consulting Services Inc., dated September 26, 2018.
3. Conceptual Site Plan Layout prepared by Lett Architects Inc., dated July 6, 2018.
4. Preliminary Building Elevations prepared by Lett Architects Inc., dated July 6, 2018.
5. Shadow Study prepared by Lett Architects Inc., dated July 6, 2018.
6. Urban Design Guideline prepared by ISM Architects, received January 16, 2019.
7. Geotechnical Investigation Report prepared by Peto MacCallum Ltd., Consulting Engineers dated June 2018.
8. Phase One and Phase Two Environmental Site Assessment Report prepared by Grace & Associates Inc., dated October 22, 2013 and January 21, 2014, respectively.
9. Stage 1 and 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc., dated October 22, 2018. The report identifies and evaluates the proposal with respect to archaeological resources.

10. Topographic Plan prepared by EcoVue Consulting Services Inc., dated January 18, 2018.
11. Plan of Survey prepared by Coe, Fisher, Cameron, Ontario Land Surveyors dated August 29, 2000 deposited as Plan 57R-8353 on October 6, 2000.
12. Traffic Impact Study for MDM Developments prepared by JD Northcote Engineering Inc., dated May 14, 2018.
13. Functional Servicing Report prepared by Pearson Engineering Ltd., dated July 2018. The report examines municipal water and sanitary servicing options for the property as well as stormwater management.
14. Engineering Drawings including Notes and Details Plan, Site Grading Plan, Site Servicing Plan, Pre-Development Storm Catchment Plan, Post-Development Storm Catchment Plan and Erosion Protection Plan, prepared by Pearson Engineering Ltd., dated July 2018.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Justification Report that was prepared and filed in support of the applications and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes Policies and Plans. Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments and concerns have been addressed.

### **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 and anticipates the intensification of brownfield sites. The proposed development will provide infill residential development on full municipal services and be located within the Fenelon Falls settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. 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, these applications appear 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.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs; and
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.1 states that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - 3. support active transportation; and
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, which permits Planning authorities to identify appropriate locations and promote opportunities where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The applications were circulated to the Kawartha Region

Conservation Authority (KRCA) for their review to ensure conformity with respect to:

- a) natural heritage feature policies as identified in Section 2 of the PPS being within or adjacent to the proposed development being within 120 metres of a waterbody (Cameron Lake); and
- b) whether any natural hazards, as identified in Section 3 of the PPS are located within the proposed development.

Also in relation to Section 3, a Phase One and Phase Two Environmental Site Assessment (ESA) has been circulated for review and comment in relation to Human-Made Hazards. Although the report suggested no further investigation is recommended as all tested parameters related to soil and groundwater sampling were in accordance with MOE standards, the Ministry of Environment, Conservation and Parks (MECP) advised further work is required to address significant deficiencies in the initial Record of Site Condition (RSC) submission from 2014. In addition, the Phase 1 and Phase 2 Studies need to be updated and more scoped work may need to be undertaken in order to bring these studies into conformity with the current regulations in order to properly file a Record of Site Condition for the subject property.

Further comments from the relevant Department and Agencies are required to demonstrate that these applications are consistent with the PPS.

### **Official Plan Conformity:**

The “Urban Settlement Area – Fenelon Falls Fringe” designation in the City of Kawartha Lakes Official Plan (CKLOP) applies as the “Residential” designation in the Fenelon Falls Secondary Plan (SP) is under appeal to the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board. The Urban Settlement designation predominately permits single detached dwellings as a residential use; however medium density residential uses in the form of row or cluster dwellings are also permitted with a maximum density of 24 dwelling units per gross hectare. The proposed density on the subject land, being approximately 44.5 units per gross hectare, exceeds the medium density policy provisions, and therefore an Official Plan Amendment is being sought to create a Special Policy Area to permit the proposed development in the built form of townhouses and an apartment building which is in keeping with the general policies of the proposed SP for residential use of land within the settlement area of Fenelon Falls. Staff is further reviewing the application submission with respect to the Housing Affordability policy in accordance with Section 5.3 of the CKLOP and the definition contained in Section 30 of the CKLOP.

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

The subject land is zoned “Future Residential Development (FRD) Zone” in the Township of Fenelon Zoning By-law 12-95. The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone to a Hamlet Residential Exception (HR-\*) Zones or appropriate residential zone

categories, to permit the proposed development consisting of a mix of 24 townhouse and 40 apartment residential dwelling units with site specific provisions relating to minimum lot area, front and rear yard setback, building height, maximum lot coverage and minimum dwelling unit area on the subject lands. Based on comments received regarding the Phase One and Phase Two ESAs, it is recommended that a Holding (H) Provision be applied which requires further updates to the ESAs and any required site remediation in order to file a Record of Site Condition, prior to any development. The Holding symbol would also be applied to the entire subject lands to ensure that a secured site plan agreement is executed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial/operational considerations unless Council's decision to adopt or its refusal to adopt the requested amendments 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 Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the vibrant and growing economy strategic goal as it increases the supply of new housing options to attract new residents in the City of Kawartha Lakes.

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

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

### **Servicing Comments:**

The Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report suggests that the subject lands are serviceable to review and confirmation by the City's Engineering and Public Works Divisions.

## **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, two public comments were received. The residents at 4 Oriole Road are opposed to the applications as they do not believe that Cameron Lake can support high density development with a four storey apartment building with inadequate sewer infrastructure and it does not fit in their community of single detached dwellings and cottages. They are in favour of lower density single detached dwellings. Another resident who called in and lives a block away from Bass Street along CKL Road 8 was inquiring where the existing municipal water and sewer service connections are for the proposed development and if the City would consider extending services further west.

### Agency Review Comments:

On February 5, 2019, the Building Division advised they have no concerns at this time but will reserve their ability to comment with respect to the site plan circulation.

On February 6, 2019, the Ministry of the Environment, Conservation and Parks (MECP) advised that a Record of Site Condition (RSC) was submitted in 2014 but never filed as a number of outstanding issues remain to be resolved. Furthermore, the Phase I and Phase II Environmental Site Assessment Studies submitted in support of the subject applications are out of date and in addition to addressing deficiencies in the said studies, more scoped work may need to be undertaken in order to bring the Phase I and Phase II studies into conformity with the Regulations.

On February 6, 2019, a Restricted Land Use Notice was issued by the Risk Management Official (RMO) of the Kawartha Region Conservation Authority (KRCA) as required under Section 59 of the Clean Water Act (2006) as a portion of the property is within an intake protection zone for Fenelon Falls. This is necessary to engage in an activity in a vulnerable area for a municipal drinking water supply; however, there is no prohibition or risk management plan requirement. A new application for Notice will need to be submitted prior to applying for any subsequent municipal approvals under the Planning Act or Building Code Act.

On February 12, 2019, Enbridge Gas Distribution advised they do not object to the proposed applications and reserve the right to amend or remove development conditions.

On February 12, 2019, Canada Post Corporation advised that mail delivery will be provided through centralized Community Mail Boxes (CMB) and Lock Box Assembly (LBA) for the multi-unit building but has not determined the CMB



location at this time. Canada Post requested dates when the development is scheduled to begin along with civic addresses.

On February 12, 2019, Fire Services advised that they have no issues with the proposed applications and any issues can be dealt with through the site plan approval process.

On February 20, 2019, Engineering and Corporate Assets advised they have reviewed the proposed plan and the City's by-laws and are recommending that Planning coordinate a meeting with the owner and their development team. Some of the issues identified include but are not limited to:

- Engineering does not support 15 additional entrances and service connections to West Street North;
- Water and sanitary services for all townhouses shall be internal to the site. Separate service connections for separate buildings on the same property require a formal By-law Exemption request;
- Traffic Impact Study (TIS) will need to be corrected based on the current development proposal with 24 townhouse units. Access to the townhouse units will be from the internal site as identified in the TIS;
- Bass Street is a non-standard right of way width with a gravel surface. Secondary access from Bass Street is not permitted and was not identified in the TIS;
- Plan and Profile design is required for new infrastructure and improvements to West Street North taking into account pedestrian access and sidewalk along the frontage of the property;
- An MECP Environmental Compliance Approval (ECA) application and approval required for new municipal servicing infrastructure and storm outlet to Cameron Lake. Pre-consultation with MECP is advised;
- Engineering requires comments from the Kawartha Region Conservation Authority (KRCA) prior to finalizing stormwater management related comments;
- Quality control for stormwater flows must be included for the entire site;
- Clarification is required to demonstrate how stormwater will be collected and conveyed to the proposed bio retention basin;
- Further detail is required to confirm the proposed stormwater quality control measures and the impacts of shallow impermeable bedrock for on-site and off-site works;
- Geotechnical Investigation Report will need to be revisited to ensure it supports the engineering design;
- Functional Servicing Report needs to take into account the City's Storm and Stormwater Infrastructure Guidelines and the drainage areas do not match the drainage plan;
- All proposed servicing must be identified on a Proposed Servicing Plan;
- A Removals Plan is required to indicate removal of existing servicing laterals, water wells, old entrances, fencing, etc.; and

- Topographic Survey is required to to be prepared by an Ontario Land Surveyor (OLS).

On February 20, 2019, the Economic Development Department advised they have no comments on the applications.

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

The applications for Official Plan Amendment and Zoning By-law Amendment appear to conform to the Growth Plan; however further confirmation from relevant Departments and/or Agencies is required to demonstrate that the applications are consistent with the Provincial Policy Statement. The appropriate background studies in support of the applications 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. Therefore, Staff recommends the applications 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 Official Plan Amendment 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 agency and public 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'  
PLAN2019-015.pdf



Appendix 'B'  
PLAN2019-015.pdf



Appendix 'C'  
PLAN2019-015.pdf



Appendix 'D'  
PLAN2019-015.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photo  
Appendix 'C' – Proposed Concept Plan  
Appendix 'D' – Proposed Site Plan

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

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

**Department File:** D01-2018-006 and D06-2018-028

# Township of Fenelon



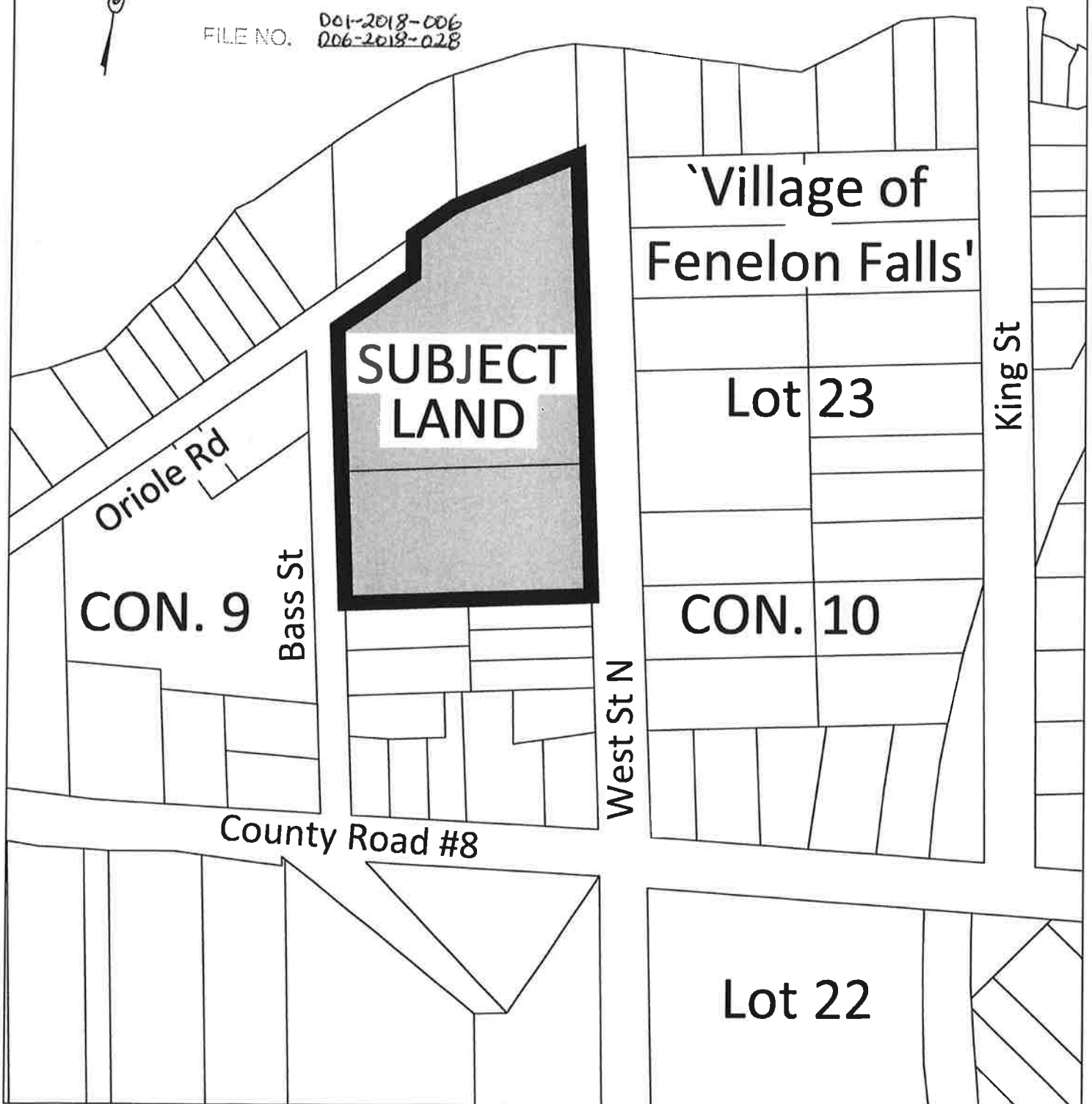
APPENDIX " A "

to

REPORT PLAN 2019-015

FILE NO. D01-2018-006  
D06-2018-028

*Cameron Lake*



**Cameron Lake**



**Legend**

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

APPENDIX " B " to

REPORT PLAN 2019-015

FILE NO. D01-2018-006  
D06-2018-028

**Notes**

Notes

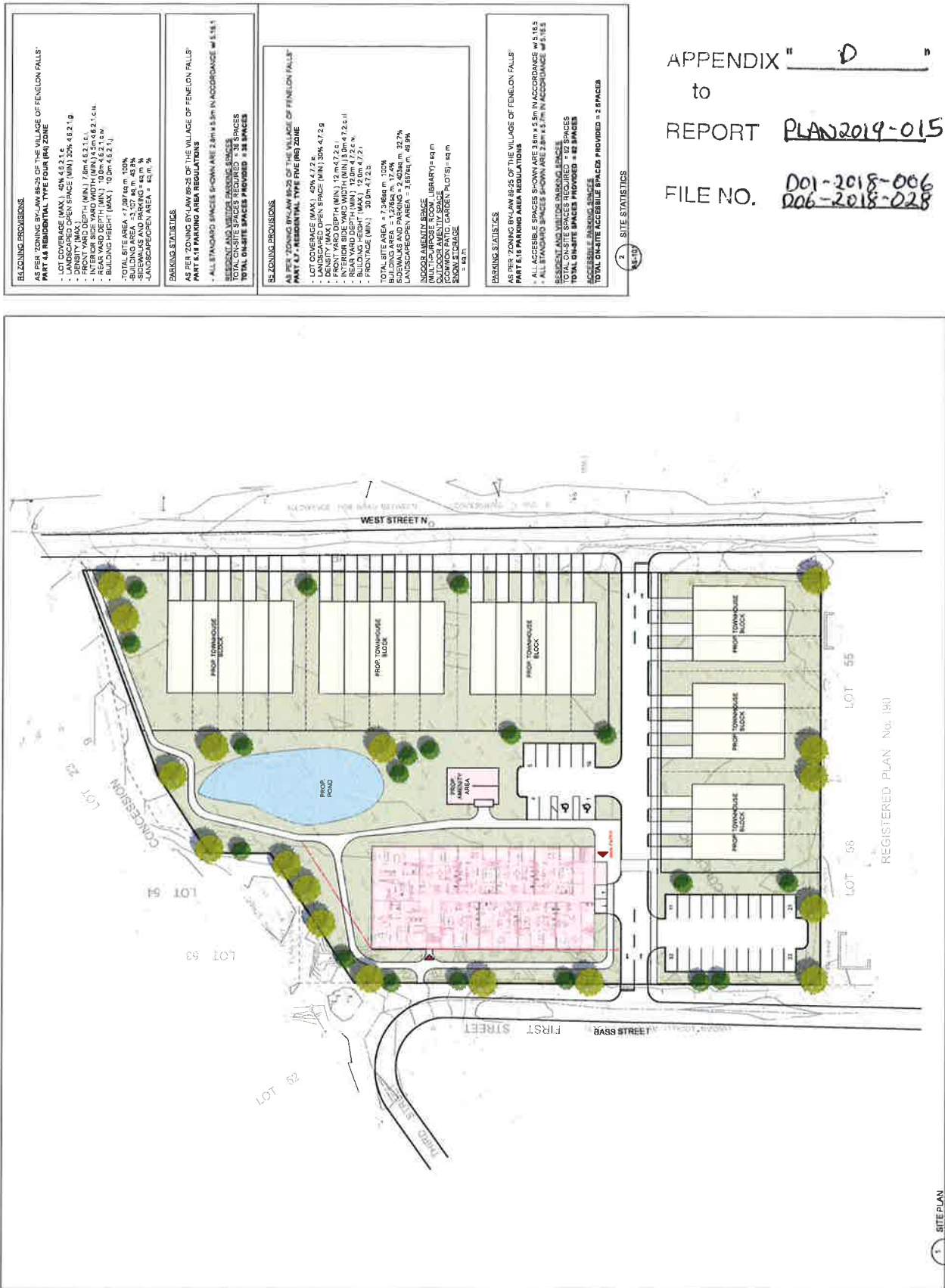
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



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







<p><b>RELATING PROVISIONS</b></p> <p>AS PER ZONING BY-LAW 88-25 OF THE VILLAGE OF FENELON FALLS</p> <p><b>PART 4.1 RESIDENTIAL TYPE FOUR (R4) ZONE</b></p> <ul style="list-style-type: none"><li>• LOT COVERAGE (MAX.) 40% 45.21%</li><li>• DENSITY (MAX.) 10 UNITS PER LOT</li><li>• FRONT YARD DEPTH (MIN.) 7.6m 45.21%</li><li>• REAR YARD DEPTH (MIN.) 10.0m 45.21%</li><li>• BUILDING HEIGHT (MAX.) 10.0m 45.21%</li><li>• TOTAL SITE AREA 7,087 sq.m. 100%</li><li>• BUILDING AREA 2,834 sq.m. 40%</li><li>• SIDEWALKS PARKING 10.0m 45.21%</li><li>• LANDSCAPED OPEN SPACE 10.0m 45.21%</li></ul> <p><b>PARKING STATISTICS</b></p> <p>AS PER ZONING BY-LAW 88-25 OF THE VILLAGE OF FENELON FALLS</p> <p><b>PART 5.14 PARKING AREA REGULATIONS</b></p> <ul style="list-style-type: none"><li>• ALL STANDARD SPACES SHOWN ARE 2.8m x 5.5m IN ACCORDANCE # 5.14.1</li><li>• ALL ACCESSIBLE SPACES SHOWN ARE 3.0m x 5.5m IN ACCORDANCE # 5.14.2</li><li>• TOTAL ON-SITE SPACES PROVIDED = 38 SPACES</li></ul>	<p><b>SA ZONING PROVISIONS</b></p> <p>AS PER ZONING BY-LAW 88-25 OF THE VILLAGE OF FENELON FALLS</p> <p><b>PART 4.7 RESIDENTIAL TYPE FIVE (R5) ZONE</b></p> <ul style="list-style-type: none"><li>• LOT COVERAGE (MAX.) 50% 47.2%</li><li>• DENSITY (MAX.) 10 UNITS PER LOT</li><li>• FRONT YARD DEPTH (MIN.) 10.0m 47.2%</li><li>• REAR YARD DEPTH (MIN.) 12.0m 47.2%</li><li>• BUILDING HEIGHT (MAX.) 10.0m 47.2%</li><li>• TOTAL SITE AREA 7,346 sq.m. 100%</li><li>• BUILDING AREA 1,266 sq.m. 17.4%</li><li>• SIDEWALKS AND PARKING 2,403 sq.m. 32.7%</li><li>• LANDSCAPED OPEN SPACE 3,677 sq.m. 50.0%</li></ul> <p><b>PARKING STATISTICS</b></p> <p>AS PER ZONING BY-LAW 88-25 OF THE VILLAGE OF FENELON FALLS</p> <p><b>PART 5.14 PARKING AREA REGULATIONS</b></p> <ul style="list-style-type: none"><li>• ALL STANDARD SPACES SHOWN ARE 2.8m x 5.5m IN ACCORDANCE # 5.14.1</li><li>• ALL ACCESSIBLE SPACES SHOWN ARE 3.0m x 5.5m IN ACCORDANCE # 5.14.2</li><li>• TOTAL ON-SITE SPACES PROVIDED = 42 SPACES</li></ul>
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APPENDIX "D"

to

REPORT PLAN 2019-015

FILE NO. D01-2018-006

006-2018-028



# Request to Speak before Council

Request to Make a Deputation/Presentation to  
Council/Committee  
City of Kawartha Lakes  
City Clerk's Office  
26 Francis Street, PO Box 9000  
Lindsay, ON K9V 5R8  
705-324-9411

**Name: \***

Kevin M Duguay

**Address: \***

560 Romaine Street

**City/Town/Village:**

Peterborough

**Province: \***

ON

**Postal Code:**

K9J 2E3

**Telephone: \***

705 749 6710

**Email: \***

kevin@kmdplanning.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

**Deputant One:**

Kevin M. Duguay

**Deputant Two:**

First Name, Last Name

**Please provide details of the matter to which you wish to speak: \***

Zoning By-law Amendment Application, 4 Lindsay Street, Fenelon Falls. Proposed gas bar use. I am the Project Planning Consultant.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

**Have you discussed this matter with City Staff?**

☒ Yes

☐ No

**If yes, Which department and staff member(s) have you spoken to?**

**What action are you hoping will result from your presentation/deputation? \***

Implementing By-law approval and exemption from Site Plan Control



By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

**Signature:**

Kevin M. Duguay (unable to sign on-line form, electronic)

**Date:**

2/22/2019



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

**Do you understand how your information will be used and agree to allow the City to use your personal information provided on this form, including any attachments for the purposes of requesting to make a deputation to Committee or Council? \***

☒ Yes

Please complete this form and return to the City Clerk's Office by submitting it online or:  
Fax: 705-324-8110 Email: [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca)

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-012**

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**Date:** March 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 3 – Fenelon Falls

**Subject:** An application to amend the Village of Fenelon Falls Zoning By-law 89-25 to rezone the property to permit the modernization and redevelopment of an existing gas station use to add features such as an overhead gas island canopy. The property is described as Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street (2607892 Ontario Inc.) – Planning File D06-2018-031

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

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### **Recommendations:**

**That** Report PLAN2019-012, respecting Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street – Planning File D06-2018-031, be received;

**That** a Zoning By-law Amendment respecting application D06-2018-031, substantially in the form attached as Appendix D to Report PLAN2019-012, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On February 6, 2019, Planning Advisory Committee granted a 1 month deferral in order for outstanding comments to be received and further analysis conducted. The analysis is now complete.

The applicant has submitted a rezoning application to permit the construction of a canopy. The applicant has submitted the following documentation 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 September 14, 2018. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan and Zoning By-law.
2. Phase II Environmental Site Assessment prepared by TankTek Environmental Services Ltd dated November 15, 2017.
3. Functional Servicing Report and Preliminary Stormwater Strategy prepared by D.M. Wills Associates Limited dated August 20, 2018.
4. Section 59 Notice for a zoning by-law amendment prepared by the Risk Management Official/Risk Management Inspector dated September 11, 2018.
5. Fuel Spill Response Procedure.
6. Stage 1 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. dated October 12, 2018.

Owner:	Amgad Francis, 2607892 Ontario Inc.
Applicant:	Kevin Duguay, Kevin M Duguay Community Planning and Consulting Inc.
Legal Description:	Part of Lot 171, Plan 25, former Village of Fenelon Falls, now City of Kawartha Lakes
Official Plan:	"District Commercial" in the Village of Fenelon Falls Official Plan
Zone:	"District Commercial (C2) Zone", in the Village of Fenelon Falls Zoning By-law 89-25, as amended
Site Size:	1,169 square metres
Site Servicing:	Municipal water and sewer
Existing Uses:	Gas Station, Coin Laundry, Convenience Store
Adjacent Uses:	North: Fenelon River/Parks Canada

East: Commercial  
South: Commercial, Residential  
West: Commercial

## **Rationale:**

The applicant has submitted a rezoning application to permit a gas station canopy and reconfigure and modernize facility. New fuel pumps will also be installed as part of the redevelopment.

## **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The subject property is located within Fenelon Falls, a community which has been identified as a settlement area.

The GP contains settlement area policies to facilitate their development as complete communities. Complete communities are intended to provide a wide assortment of uses to support the daily needs of residents of all ages.

The amendment proposes to upgrade a long-standing gas station use.

This application conforms to the policies of the GP.

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

The subject property is within a settlement area. The PPS directs growth, development, and intensification to settlement areas for the efficient use of land, municipal services and infrastructure and to promote vitality.

The redevelopment of the gas station use is upon land which is already used as a gas station.

Policies under section 3.1 of the PPS provide for the protection of public health and safety. The Kawartha Region Conservation Authority (KRCA) has identified that the property is within an area known to contain karst topography. This is documented within the Karst Study for Southern Ontario, published by the Ontario Geological Survey. Further geotechnical investigation should be carried out during the site plan approval stage to determine if the new fuel tanks, which are proposed in a different location than the existing ones, are proposed within karstic soils. If there are karstic soils present, there would be structural challenges to development and a potential pathway for groundwater contamination by environmentally hazardous substances such as gasoline. Depending upon the results of a further geotechnical assessment, additional measures such as tanks design and a spill management plan may need to be incorporated to address the risk to public health and safety.

The KRCA has also identified the site plan approvals process as the correct mechanism to improve stormwater management design, as runoff is currently

conveyed by overland sheet flow over the north retaining wall and into the Fenelon River. This current drainage pattern provides for little quality control and has the potential to exacerbate erosion at/near the shoreline.

The application is consistent with the PPS provided a site plan agreement is used to address Section 3 of the PPS.

## **Village of Fenelon Falls Official Plan (FFOP)**

Land Use Designation: District Commercial

As the Fenelon Falls Secondary Plan is under appeal, the policies of the Village of Fenelon Falls Official Plan (FFOP) remain applicable. The designation anticipates a variety of commercial uses to compliment the needs of the Central Business District to the north. Such supportive commercial uses are intended to be vehicle-oriented, serving the travelling public. The gas station use is consistent with the type of anticipated use within the District Commercial designation. Policy 2.3.2 and in 3.7.1 encourage uses that promote and strengthen the central business district as the focal point of the community and commerce and that the use complements the role of the central business district. Policy 3.7.3(g) provides direction that Council shall endeavor to improve the general attractiveness of the District Commercial area. Site Plan Agreements are such suitable mechanisms to achieve this policy.

A gas station use is not the highest and best use of the land given the reduced lot area available for vehicles to navigate, the proximity of the existing driveway entrances to the intersection of two arterial roads (Helen Street and Lindsay Street) and the bridge to the central business district, and the sidewalks over the driveways being well-used by pedestrians. For these reasons, the proposal is not fully in conformity with Policy 3.7.3(d) which speaks to minimizing dangers to pedestrian and vehicular traffic. However, the gas station use is established and the addition of the gas island canopy is not anticipated to substantially alter how vehicles navigate the site since the location and number of the gas pumps is not proposed to change. Therefore, the gas station use continues to be an appropriate use for the site.

The FFOP identifies the Fenelon River, which is to the immediate north of the site, as an Environmentally Sensitive Area. Policy 5.2 of the FFOP permits development adjacent to an environmentally sensitive area provided such development is compatible and suitable measures are taken to mitigate any resulting adverse impacts. KRCA and Engineering and Corporate Assets Department have made requests to take the proposal through the site plan approval process in order to adequately address potential adverse impacts.

The application conforms with the applicable policies of the FFOP.

## **Fenelon Falls Secondary Plan (Secondary Plan)**

Land Use Designation: Commercial

Policy Area: Cameron Lake Waterfront Policy Area

While the Fenelon Falls Secondary Plan (Secondary Plan) is appealed to the Local Planning Appeal Tribunal and is not in effect, conformity with this document was reviewed to determine whether the proposal is consistent with Council's direction for the area. The Secondary Plan continues to have many similarities to the FFOP, but also expands upon certain concepts.

Within the Secondary Plan, the property is designated Commercial, and is also identified as being within the Cameron Lake Waterfront Policy Area (CLWPA) policy areas.

The CLWPA policies recognize the direct link present between the waterfront lands and the Main Street (Central Business District). Redevelopment within the CLWPA is to support this linkage as well as the form and function of existing neighborhoods.

Due to the property's proximity to the Fenelon River, it is also within an Environmental Constraint Area. As per policy 31.4.2.6, development and site alteration within environmental constraint areas are, to the extent possible, to enhance the ecological features and functions of the river, and minimize erosion, sedimentation and nutrient loading. These items will be reviewed by the KRCA and Engineering and Corporate Assets Department through the site plan approval process.

The Commercial designation anticipates uses which primarily serve vehicular traffic, and the uses are anticipated to compliment the primary economic function of the Central Business District. Automobile service stations are permitted uses. The minimum setback of buildings at intersections is also encouraged to assist in framing the streets.

As per policy 31.4.3.5.7, new and expanding commercial uses are to be subject to site plan control, and Policy 3.7.3(g) provides direction that Council will encourage improvement to the general attractiveness of the Commercial area.

The application would conform with the Secondary Plan.

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

The subject property is zoned "District Commercial (C2) Zone" in the Village of Fenelon Falls Zoning By-law 89-25.

The subject property is located at a busy corner in Fenelon Falls. As a corner lot, it is subject to the additional requirements, which are further complicated by its irregular shape.

The application seeks to amend the zone provisions by introducing a site-specific zone category to permit the redevelopment and modernization of the gas station use on the subject property. The primary purpose of the amendment is to facilitate the construction of a gas island canopy, proposed to run diagonal close to the intersection of Lindsay Street and Helen Street. The canopy and possibly the pump island(s) are proposed within the setbacks of the C2 Zone, and other General Provisions, such as sight triangle and spatial separation requirements from the main building prevent the canopy from being constructed in its current

location without an amendment to the zoning by-law. Staff has also taken this opportunity to adjust some of the zone requirements pertaining to gas station use in order to better reflect existing site circumstances.

### **Other Alternatives Considered:**

The owner originally applied for a pre-screening to see whether a minor variance was possible. That process determined that a zoning by-law amendment was the correct application process as nature and extent of relief required from the applicable zone provisions made staff support unlikely.

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

There are no financial considerations unless Council's decision 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 Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the vibrant and growing economy strategic goal as it proposes to increase the functionality of an existing business.

### **Servicing Comments:**

The property is within the Fenelon Falls municipal service area and is connected to the sanitary sewer and water services.

### **Consultations:**

Comments have been received from the Building Division, Engineering and Corporate Assets Department, KRCA, and the Parks Canada - Trent Severn Waterway. Building Division and Parks Canada - Trent Severn Waterway has no objection to the proposal.

The Engineering and Corporate Assets Department states that a formal review of servicing, stormwater management and spill control plan will be conducted through the site plan approval process. The requirement for site plan approval has also been identified by the planning consultant and the engineering consultant.

The KRCA has noted that a permit from their office will be required for the proposed works. Further to comments outlined in the PPS section of the report, the KRCA has identified that additional information will be requested at the site plan approval stage to assess any karst topography risks and risks that the

placement of new fuel tanks may pose. Such information may include an elevation survey, a revised geotechnical assessment which performs tests deeper than the 0.9 metres currently conducted, and what additional measures will be considered to address risk to public health and safety with respect to the installation and operation of new fuel tanks. Further review of the proposed storm water management mitigation measures will also occur to determine opportunities for enhancement.

No comments were received from the public.

### **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.

Given the prominent location of the subject property, which is located to the immediate side of the bridge that acts as a gateway to the Fenelon Falls Central Business District, and the increased proximity of the proposed gas island canopy to the Helen Street and Lindsay Street intersection, and to the applicable policies within the FFOP and Secondary Plan, particular attention must be paid to architectural design and façade details because the property is so visible to vehicles and pedestrians.

From a planning perspective, the site plan approval process is the appropriate mechanism to address architectural and façade components. The necessity of site plan approval is reaffirmed by the technical comments provided by KRCA and Engineering and Corporate Assets Department in addition to the owner's planning and engineering consultants.

While the planning consultant has now submitted a deputation request to ask for a site plan exemption, staff believes, due to the comments and analysis contained within the staff report, that imposing a site plan agreement on the property is appropriate and represents good planning.

### **Conclusion:**

In consideration of the comments and analysis contained in this report, staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

### **Attachments:**

Appendix 'A' – Location Map



Appendix A to  
PLAN2019-012.pdf



## Appendix 'B' – Aerial Photograph



Appendix B to  
PLAN2019-012.pdf

## Appendix 'C' – Sketch and Elevation



Appendix C to  
PLAN2019-012.pdf

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



Appendix D to  
PLAN2019-012.pdf

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

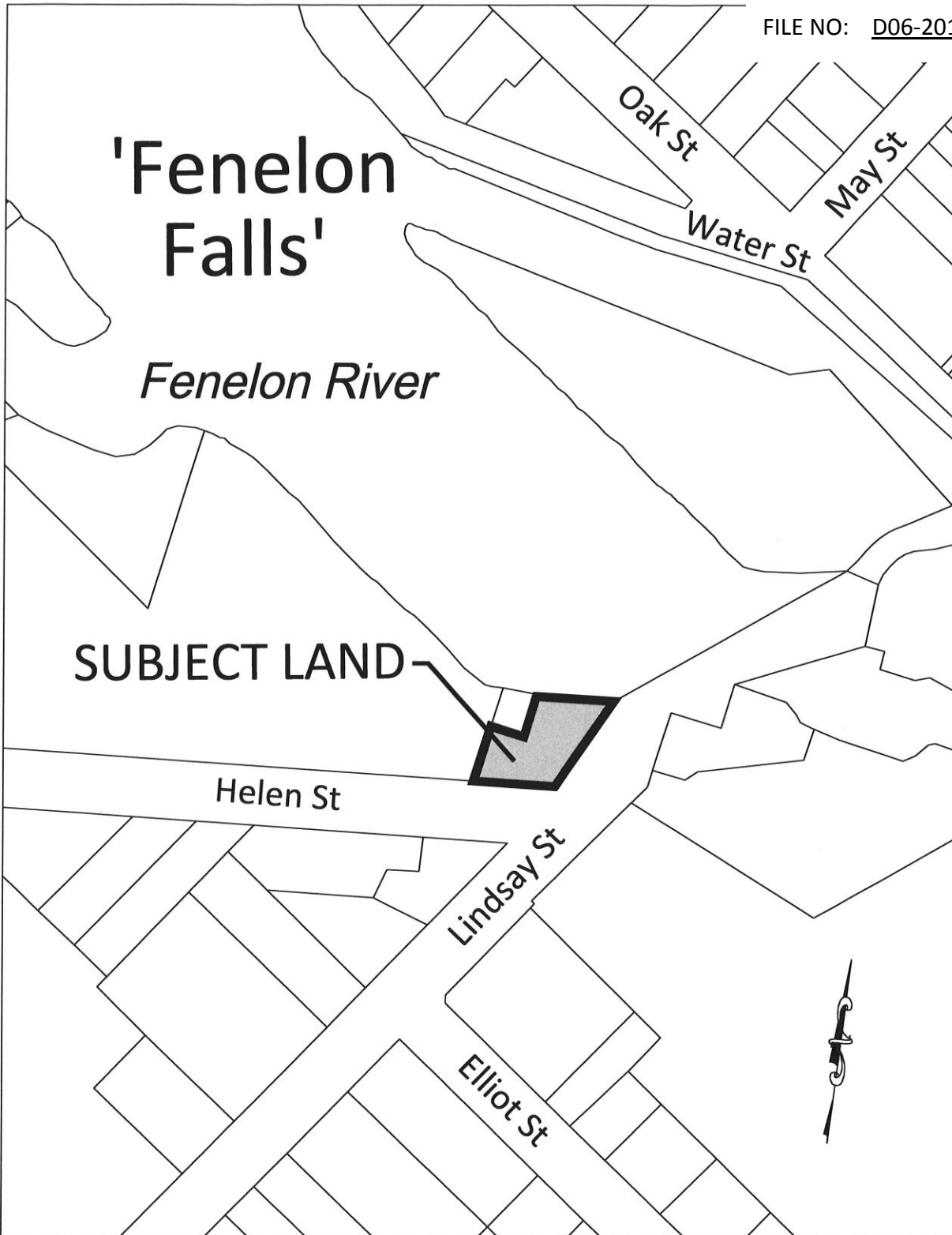
**Department Head:** Chris Marshall

**Department File:** D06-2018-031

to

REPORT PLAN2019-012

FILE NO: D06-2018-031



to

REPORT PLAN2019-012

FILE NO: D06-2018-031

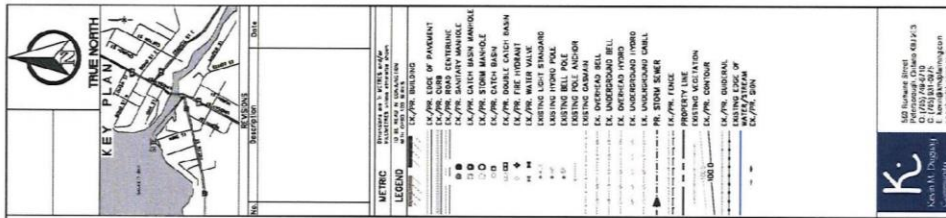
# 4 Lindsay Street, former Village of Fenelon Falls



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

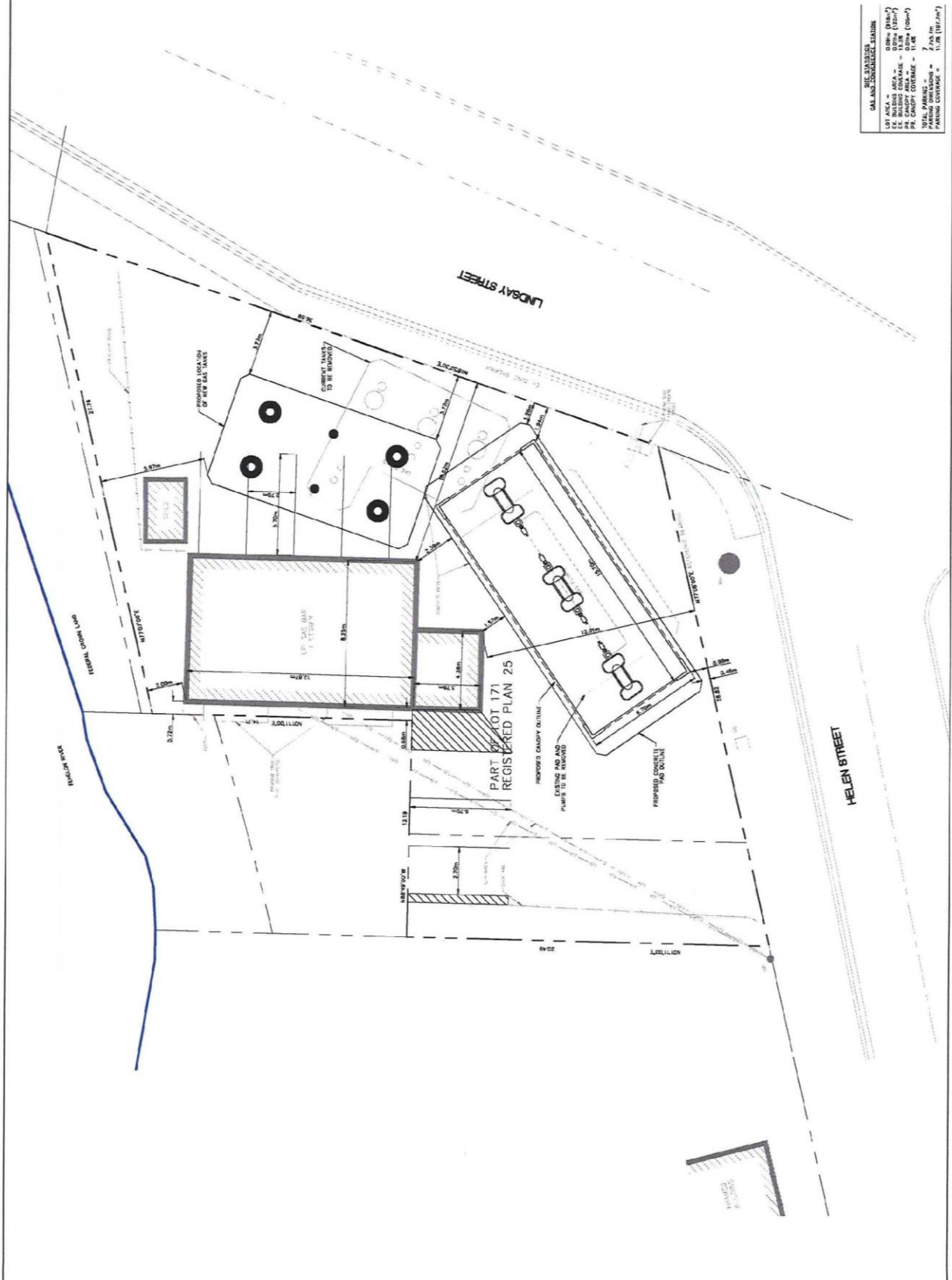


APPENDIX " C "

to

REPORT PLAN2019-012

FILE NO: D06-2018-031





These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

Do not scale drawings. The contractor shall check and verify all dimensions and report any errors and omissions to the engineer. This drawing is not to be used for construction unless marked as "issued for construction", certified and dated.

REV.	DATE	REMARKS
0	26 OCT 18	ISSUED FOR APPROVAL

**PRO-CAN CONSTRUCTION INC.**  
**GEORGE VANDERKOOY**  
 889 Midland Rd. Phone: (519) 624-1124  
 RR #1 Dundas, ON Fax: (519) 624-1524  
 L8H 5S1 Cell: (905) 572-5058

**ZOLTAN ENGINEERING**  
 4380 S Service Road, Suite #25  
 Burlington, ON L7L 5Y6  
 Tel: 905.331.8307 • Fax: 905.331.8840

PROJECT TITLE

PROPOSED GAS CANOPY  
 4 Lindsay Street

FENELON FALLS ONTARIO

DRAWING TITLE

FRAMING PLAN,  
 & CROSS SECTIONS

SCALE	AS NOTED
DATE	26 OCT 18
BY	PROJ
CHECKED	AL

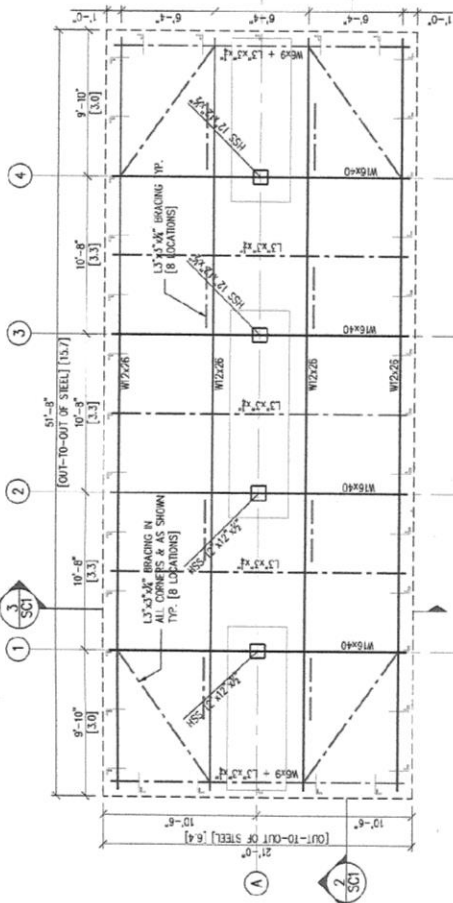
PROJECT No.

18-308

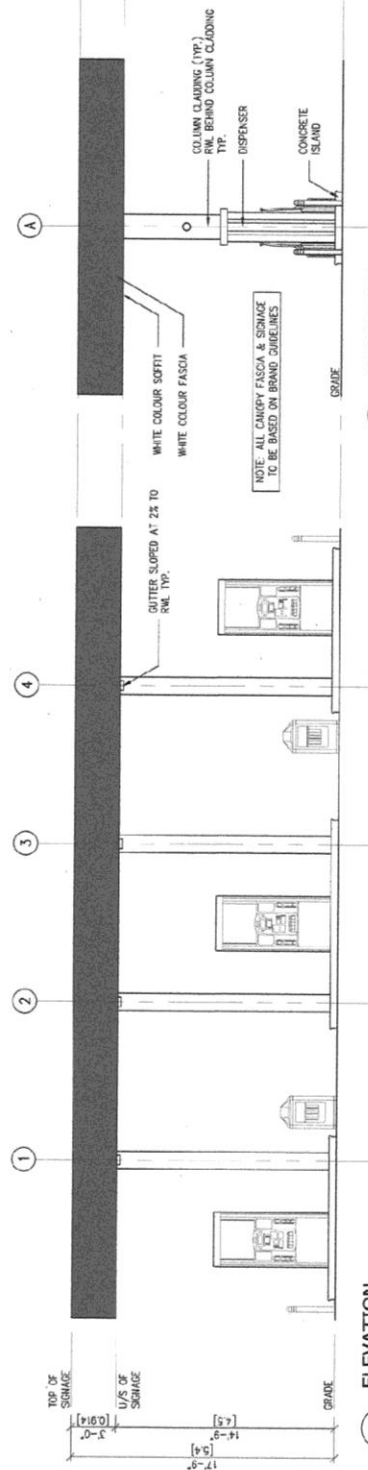
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SC1

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**1 FRAMING PLAN**  
 Scale: 3/16"=1'-0"

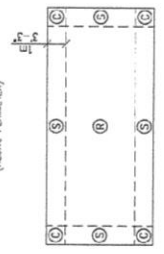


**2 ELEVATION**  
 Scale: 3/16"=1'-0"

**3 ELEVATION**  
 Scale: 3/16"=1'-0"

**DESIGN INFORMATION**

<b>CLIMATIC DATA</b>		<b>SEISMIC DESIGN</b>	
LOC. LOCATION:	Fenelon Falls	Sa(0.2) =	0.180
Ss =	2.3 kPa	Sa(0.5) =	0.130
Sr =	0.4 kPa	Sa(1.0) =	0.074
q(160) =	0.36 kPa	Sa(2.0) =	0.024
Importance:	Normal	Rd =	1.5
<b>CANOPY ROOF LOADS</b>		Rw =	1.3
SNOW LOAD =	2.24 kPa	Site Class:	D
DEAD LOAD =	0.56 kPa	Fa =	1.30
		Pv =	1.40
<b>Static Force Procedure has been used.</b>		<b>SNOW DRIFT @ PERMETER</b>	
Ta = 0.278 sec		PEAK LOAD:	
S(10) = 0.220		EXTENSION:	
W = 112 kN		2.24 kPa	
V = 9 kN		10 ft	
<b>WIND UPLIFT - AREA OF 0m² FOR COMPONENT DESIGN</b>		<b>WIND UPLIFT - AREA OF 0m² FOR COMPONENT DESIGN</b>	
<b>CORNER ZONE, C</b>		<b>CORNER ZONE, C</b>	
-1.75 kPa		-1.75 kPa	
<b>SIDE ZONE, S</b>		<b>SIDE ZONE, S</b>	
-0.81 kPa		-0.81 kPa	
<b>ROOF ZONE, R</b>		<b>ROOF ZONE, R</b>	
-0.59 kPa		-0.59 kPa	



WIND UPLIFT DIAGRAM

## The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2019-012

## By-Law 2019 -

FILE NO: D06-2018-031**A By-Law To Amend The Village of Fenelon Falls Zoning By-Law No. 89-25 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2018-031, Report PLAN2019-012, respecting Part of Lot 171, Plan 25, former Village of Fenelon Falls, identified as 4 Lindsay Street.

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the modernization and redevelopment of an existing gas station use to add features such as an overhead gas island canopy.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 89-25 of the Village of Fenelon Falls is further amended to add the following section to Section 4.10.7:

## 4.10.7.6 District Commercial Exception Six (C2-6) Zone

Notwithstanding Sections 1.1.30 and 4.10.4 within the District Commercial Exception Six (C2-6) Zone, as delineated on the Zone Map attached hereto as Schedule “A” and forming part of this By-law, a motor vehicle gasoline bar use is permitted in accordance with the following definition and regulatory provisions:

## a. Definition

## i. Motor Vehicle Gasoline Bar

Shall mean one or more pump islands each consisting of one or more gasoline pumps, and an overhead gas island canopy having a maximum floor area of 106 square metres, and may include facilities for the refilling of propane tanks and the changing of oil, greasing and lubricating of motor vehicles, including the sale of automotive

accessories, antifreeze and additives, and may also include facilities for other uses permitted within the District Commercial (C2) Zone, but shall not include any other use or activity otherwise defined or classified in this By-law.

b. Regulatory Provisions for Retail Gasoline Establishments

- |  |                   |
|--|-------------------|
| i. Minimum Lot Area Requirement                  | 918 square metres |
| ii. Minimum Lot Frontage Requirement             | 28 metres         |
| iii. Minimum Yard Requirements                   |                   |
| 1. Front Yard                                    | 8 metres          |
| 2. Exterior Side Yard                            | 8 metres          |
| 3. Interior Side Yard                            | 6 metres          |
| 4. Rear Yard                                     | 2 metres          |
| iv. Maximum Lot Coverage of All Buildings        | 50 per cent       |
| v. Minimum Landscaped Open Space Requirement     | 10 per cent       |
| vi. Maximum Height                               | 10 metres         |
| vii. Bulk Fuel And Propane Storage Tank Location |                   |

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Technical Standards and Safety Authority as may be applicable

viii. Entrance Regulations

Notwithstanding any other provision set forth in this By-law to the contrary, ingress and egress driveways associated with a motor vehicle gasoline bar where gasoline and/or propane is offered or kept for sale at retail, shall be established in accordance with the provisions of Section 5.16.4 of this By-law.

c. Regulatory Provisions for Accessory Buildings and Structures for Retail Gasoline Establishments:

- |   |            |
|---|------------|
| i. Notwithstanding Section 5.1.4, the total lot coverage of all accessory buildings and structures shall not exceed thirteen per cent, nor shall the height of the gas island canopy exceed 6.5 metres. |            |
| ii. Notwithstanding Sections 1.175 and 5.20, a gas island canopy, pump island(s), and parked vehicles refueling at the pump island(s) are permitted within a sight triangle.                            |            |
| iii. Notwithstanding Section 5.1.3, a gas island canopy is permitted a spatial separation of 1.5 metres to the principal or main building.  |            |
| iv. Notwithstanding Section 5.1.2(b) an overhead gas island canopy is permitted subject to the following regulatory provisions:   |            |
| 1. Minimum Front Yard   | 0.9 metres |
| 2. Minimum Exterior Side Yard   | 1.9 metres |
| 3. Interior Side Yard   | 6 metres   |

4. Rear Yard

15 metres

- v. Notwithstanding Section 5.1.2(b) any accessory building that is not an overhead gas canopy is subject to the minimum yard and setback requirements of the zone.

d. Other Provisions

In all other respects the provisions of the District Commercial (C2) Zone and General Zone Provisions shall apply.

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 89-25 of the Village of Fenelon Falls is further amended to change the zone category from District Commercial (C2) Zone to District Commercial Exception Six (C2-6) Zone for the land referred to as 'C2-6', as shown on Schedule 'A' to this By-law.

**Section 2:00 Effective Date**

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

By-law read a first, second and third time, and finally passed, this **\*\* day of \*\*\*, 2019.**

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



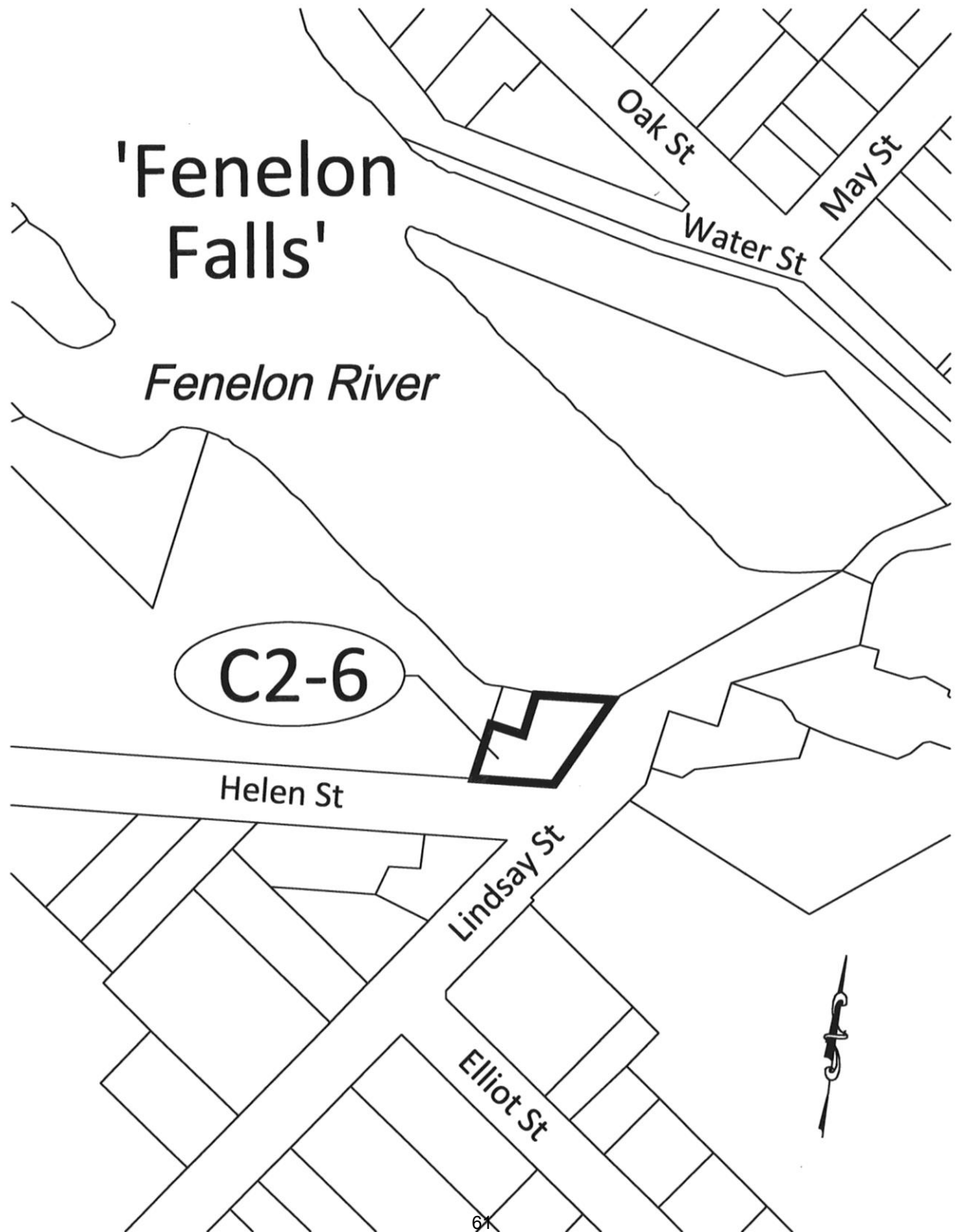
# KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

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



# The Corporation of the City of Kawartha Lakes

## Planning Advisory Committee Report

Report Number PLAN2019-016

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**Date:** March 6, 2019

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

**Place:** Council Chamber

**Regular Meeting**

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**Ward Community Identifier:** Ward 8 – Manvers (Oak Ridges Moraine)

**Subject:** An application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel)

**Author/Title:** Mark LaHay, Planner II

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### Recommendations:

**Resolved That** Report PLAN2019-016, respecting Conc. 1, Part Lot 15, geographic Township of Manvers, “VicDom Sand and Gravel – Application D06-02-009’, be received;

**That** Zoning By-Law amendment respecting application D06-02-009, substantially in the form of Appendix “E” to Report PLAN2019-016, be adopted by Council and forwarded to the Local Planning Appeal Tribunal for approval; and,

**That** after the Zoning By-law amendment respecting application D06-02-009 is adopted, staff shall then advise the Local Planning Appeal Tribunal and the Ministry of Natural Resources and Forestry that Council withdraws its objection to the application by VicDom Sand and Gravel for a Licence under the Aggregate Resources Act.

---

**Department Head:**

\_\_\_\_\_

**Legal/Other:**

\_\_\_\_\_

**Chief Administrative Officer:**

\_\_\_\_\_

## **Background:**

The owner has submitted an application to the City to amend the Oak Ridges Moraine Zoning By-law (ORMZB) to permit a mineral aggregate operation (gravel pit) on the subject lands. Concurrently, the owner has submitted an application to the Ministry of Natural Resources and Forestry (MNRF) for a licence under the Aggregate Resources Act (ARA) for the proposed gravel pit. Any land use approval and conditions that result from the City's review of the application for a license will be reported to the MNRF for consideration. These applications are being processed concurrently. However, the MNRF cannot issue a license unless the land is zoned to permit the proposed pit use.

Following the Public Meeting held on March 5, 2014, the Planning Committee made the following recommendation:

**Moved by Councillor Dunn, seconded by Councillor Macklem,  
Recommend That** Report PLAN2014-014, **VicDom Sand and Gravel - D06-02-009**, be received;

**That** the proposed rezoning application, D06-02-009, submitted by MHBC Planning, Urban Design and Landscape Architecture on behalf of VicDom Sand and Gravel (Ontario) Ltd. be referred back to staff for further review and processing; and

**That** all interested parties be notified of Council's decision.

### **Carried PC2014-007**

At the regular Council Meeting on March 25, 2014, Council adopted the Planning Committee Minutes from March 5, 2014:

**Moved by Councillor O'Reilly, seconded by Councillor Warren,  
Resolved That** the Minutes of the March 5, 2014 Planning Committee Meeting, be received and the recommendations adopted.

### **Carried CR2014-292**

This report addresses that direction.

The subject land is located within the Oak Ridges Moraine (ORM) on the south east side of Highway 115 and fronts onto both Boundary and Micro Roads. The current use of the land is marginal agricultural and the cash crop is winter wheat. This land is not identified as a prime agricultural area. The soil capability of this land for agriculture is 70% Class 6 and 40% Class 4, which is not considered Prime Agricultural land. Durham Region and the Municipality of Clarington are located to the south. Refer to Appendix 'A' and 'B'.

VicDom Sand and Gravel, the owner, currently owns and operates the licensed pit on the abutting land to the west of the subject land. The licensed area of this pit is approximately 21 ha. (51.8 ac.) of which 17.014 ha. (42 ac.) is approved for extraction and shall not extract closer than 1.5 m. above the water table. This pit has been operating since 1953. The application proposes to expand the existing pit operation to the east encompassing an additional 35 ha. (86 ac.) of which 18.5 ha (45.7 ac.) is proposed for extraction and to also extract no closer than 1.5 m. above the water table. The current maximum limit of the licensed area is 554,000

tonnes/year. The proposed maximum limit with the expansion would increase to 700,000 tonnes/year.

The existing forest corridor on the subject land has been impacted by a long-existing network of trails. The existing on-site haul driveway is proposed to use a portion of this trail to connect the existing pit operation to the proposed pit.

The current pit is accessed via the west entrance from Boundary Road, which is the existing haul route to Highways 35 and 115. This access is also proposed to be used by the expanded pit operation. The City of Kawartha Lakes maintains this portion of Boundary Road, which will continue as the haul route for the proposed expansion. Therefore, no alternative access or haul route is proposed and no new impacts on abutting rural residential properties are anticipated from related truck traffic.

The land uses abutting this land include Highway 115 to the north, the existing VicDom Manvers Pit to the west, agricultural and residential uses to the east and the Ganaraska Forest and a residential use to the south. Two rural residential dwellings exist in close proximity to the proposed pit. The dwelling to the east is approximately 35 m. from the proposed pit and the dwelling to the south is approximately 50 m. from the proposed pit.

Owner:	VicDom Sand and Gravel (Ontario) Ltd. /978970 Ontario Inc.
Applicant:	MHBC Planning, Urban Design and Landscape Architecture
Legal Description:	Concession 1, Part Lot 15, geographic Township of Manvers
Official Plan:	Oak Ridges Moraine Linkage Area in the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)
Zoning:	Oak Ridges Moraine Linkage Area (ORMLA) in the Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	34.8 ha (86 ac.)
Site Servicing:	No buildings are proposed and therefore, servicing is not required
Adjacent Uses:	North: Highway 115 East: Agricultural and residential South: Ganaraska Forest and residential West: existing pit operation

### **Public Meeting:**

On March 5, 2014 Planning Committee held the required public meeting and received Report PLAN2014-014. Refer to Appendix 'C'.

Area residents Robert and Jacqueline Randle, and Daniel and Leona Andrews objected to this application.

The following concerns were raised by area residents and MNRF:

- Drainage and water run-off;
- Dust control;
- Effects on tourism;

- Impacts on groundwater level;
- Maintenance of existing roads;
- Noise from machinery and trucks and odours from diesel fuel/exhaust;
- Number of pits in the area and operations on Saturdays;
- Truck traffic volumes;
- Width of the on-site haul driveway through the forest, and
- Wildlife found in the forest.

Subsequent to the public meeting, the following has occurred:

- The ARA Site Plan was revised to provide more landscaping along the top of the berm along Micro Road.
- A more detailed analysis of alternate on-site haul driveway routes and an external haul route were completed to address ecological, social and environmental impacts.
- The proposed on-site haul driveway has been altered.
- The ARA Site Plan has been revised to increase the setback to the woodlot from 15 m. to 30 m.
- The rehabilitation Site Plan has been revised in accordance with ORMCP policy.
- More detailed investigations confirmed absence of whip-poor-will on-site;
- revised the on-site haul driveway and reduced the width through the forest from 20 m. to 13.5 m. and confirmed existing external haul route is appropriate.
- A more detailed response to the 1.25 km. Policy 35(3) of the ORMCP was provided by the applicant.
- Updated comments and Site Plan revisions reflect the 2014 Provincial Policy Statement, the 2017 Growth Plan, and 2017 Oak Ridges Moraine Conservation Plan.

VicDom has revised, updated and prepared the following studies:

1. Water Resources Assessment prepared by Golder Associates, dated March 2013.
2. Noise Impact Study prepared by Golder Associates, dated October, 2013, updated November 2016 to address Swallow Acoustics (retained by Andrews) comments that Class 3 designation should be applied for noise limits at all points of reception (PORs).
3. Level 1 and Level 2 Natural Environment Technical Report prepared by Golder Associated, dated February, 2014, August 20, 2015.
4. Planning Report and Summary Statement prepared by MHBC Planning, Urban Design and Landscape Architecture, dated October, 2015 and Addendum to said document dated February 2019.
5. Technical Memorandum prepared by Golder Associates, dated March 21, 2016.

6. Response to Siskinds (law office) Notice of Objections prepared by MHBC, dated March 21, 2016 and further response to Siskinds comments dated July 25, 2016, prepared by MHBC dated November 23, 2016.
7. Operation Plans and Rehabilitation Plans prepared by MHBC dated June 24, 2016 and subsequently revised a number of times to address comments from the peer reviews completed by experts retained by the City for noise and hydrogeology and to address comments to satisfy MNRF. The latest Plans are dated October 17, 2018.

These studies have been reviewed by the MNRF, the City's peer-reviewers and/or planning staff. Additionally, comments have been received from:

Municipality of Clarington - May 1, 2014 - no objections provided that the recommendations contained in the technical reports are implemented; native species be incorporated with the vegetative screening within the extraction setback area including land containing berms; the Planting Plan be circulated to the Municipality of Clarington for comment.

MTO – November 2, 2015 – no objections; will require a clearance letter from City prior to issuance of Building and Land Use Permit.

Otonabee Region Conservation Authority – December 16, 2015 – revisions to the natural heritage technical recommendations dated August 20, 2015 and the Planning Report & Summary Statement dated October 2015 address the concerns previously expressed by ORCA. No further objections to the application.

MTO - January 13, 2016 – has previously reviewed the proposed haul route, which is the existing haul route for the existing and abutting pit owned and operated by VicDom Sand and Gravel, and has endorsed this haul route.

Region of Durham – January 29, 2016 – implement the recommendations of the acoustical report, traffic report and hydrogeology report. Requests notice of any future decision.

EXP Services Inc. – (City's hydrogeological, water resources & well survey peer-reviewer) - April 11, 2016 – their concerns have been satisfied with changes to the Site Plans that require an additional monitoring well along Boundary Road and a detailed Spills Action Plan.

MTO – December 5, 2016 – No concerns with plans provided. MTO clearance provided November 29, 2016 still applies.

Otonabee Region Conservation Authority – December 12, 2016 – reduced internal haul road reduces the impact on adjacent woodland areas and ORCA has no further objections.

Municipality of Clarington – December 21, 2016 - responses by applicant provided to Clarington on August 2, 2016 and November 23, 2016 addressed their comments to provide a berm and tree plantings along the frontage of Highway 115, within the 30 m. licence setback.

Jade Acoustics Inc. – (City's noise peer –review consultant) – April 21, 2017 - has reviewed Noise Peer Review Response letter provided by Golder Associates dated January 18, 2017 for compliance with MECP noise guidelines and

finds that in general, the Noise Impact Assessment has been prepared in accordance with the MECP procedures and accepted engineering practice.

EXP Services Inc. – July 26, 2018 - final peer review comments advising they are satisfied that all matters relating to hydrogeologic report components have been adequately addressed.

MNRF - January 28, 2019 - letter issued confirming their issues have been adequately addressed and they intend to withdraw their objection to the ARA licence, after the ARA Site Plans dated October 17, 2018 are filed. Previous comments and concerns relating to species at risk and alternatives with respect to the internal haul road have been addressed resulting in a proposal that provides for temporary removal of treed area for the internal haul road, enhancement plantings in a portion of the existing woodland, edge plantings along the existing woodland, reforestation area after extraction and plantings in natural regeneration area after extraction.

## **Rationale:**

Since the public meeting, the ARA Site Plans have been revised a number of times and the extraction and rehabilitation operations are proposed in four phases. Refer to Appendix 'D(1)' to 'D(5)' for latest plans dated October 17, 2018. The site extraction will occur according to product demand and once extraction of a phase is exhausted, the site will be rehabilitated and extraction will proceed to the next phase. The existing pit will be rehabilitated to a greater extent than is currently required by MNRF. The existing forest will be rehabilitated to increase its sustainability as an isolated corridor of significant woodland. As a result the proposed area to be reforested/planted (19 ha.) is significantly greater than the existing woodlot (10 ha.) that will be retained on site.

The current pit operates above the water table, as will the proposed pit. Therefore, a permit to take water from the Ministry of the Environment, Conservation and Parks (MECP) is not required. Both the MNRF and MECP have the authority to require VicDom to replace a potable water supply if any such well is impacted by the operation of the pit. MECP has a protocol in place to ensure the temporary provision of potable water in the case of well interference.

On September 9, 2016, the City received notice that the application for license had been referred by the MNRF to the Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT) due to unresolved objections. Currently, the City is an objector to this application and should remain so until the Zoning By-law to permit the proposed mineral aggregate operation (pit) use has been adopted by Council.

On November 17, 2017, the applicant appealed the proposed zoning by-law amendment to the LPAT due to the failure of the City to make a decision on the Planning Act application. The parties involved include VicDom, City of Kawartha Lakes, MNRF, Leona and Daniel Andrews and Bill Owens and Kelsey Sylvestre, who replace Robert and Jacqueline Randle after buying their property on Micro Road. Two LPAT prehearing conferences have been held on May 28, 2018 and October 11, 2018 to deal with preliminary and procedural matters such as establishing parties and participants and identifying issues. Another prehearing

conference is scheduled to be held on March 25, 2019, with an outstanding issues list and City direction expected with respect to a recommendation on the application.

### **Applicable Provincial Policies:**

The property contains natural heritage features (Significant Woodlands) and aggregate resources (sand and gravel), both of which are considered valuable and should be protected. Further to Report PLAN2014-014, there have been updates to Provincial Plans and Policy including the updated Growth Plan (2017), Oak Ridges Moraine Conservation Plan (2017) and Provincial Policy Statement (2014).

As the ARA application was deemed complete on May 14, 2014, the subject zoning by-law amendment application to permit the making, establishment or operation of the pit, is not subject to the policies of the Growth Plan (2017) and continues to be supported by the Growth Plan (2006) by protecting and managing valuable assets and resources, including mineral aggregates.

The ORMCP (2017) does not result in any changes being required to the proposal within the Natural Linkage Area of the ORMCP and it appears to conform to the relevant Part II, III and IV Sections. This includes significantly enhanced progressive and final rehabilitation to satisfy MNRF's requirements, which will establish a natural self-sustaining woodlot; satisfying MNRF by surveying the site for significant wildlife habitat and species at risk and incorporating into the ARA Site Plans appropriate mitigation and monitoring; and establishing that proper connectivity if maintained in a Natural Linkage Area to satisfy MNRF. The Haul Route Summary that was provided concluded that taking into consideration the historical logging use and related disturbance through the woodlot that the overall ecological benefit through compensation and enhanced rehabilitation constitutes good planning and conforms to the ORMCP.

The 2014 Provincial Policy Statement (2014 PPS) provides policy direction for the appropriate development of land, while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. This application considers a number of Provincial policy interests including mineral aggregate resource availability from a close to market location, protection of significant natural heritage features and areas of ecological functions, the protection of groundwater and surface water resources, operational design to ensure no adverse impacts on adjacent sensitive land uses and protecting significant cultural heritage and agricultural resources. The application for the pit extension reflects wise management of resources and is in the public interest after considering economic, environmental and social factors and appears to be consistent with the 2014 PPS.

### **Oak Ridges Moraine:**

The property is located within the Oak Ridges Moraine and is subject to the policies of the following documents:

- the Oak Rides Moraine Conservation Plan (ORMCP);
- the City's Oak Ridges Moraine Policy Area - Amendment Number 104 to the Victoria County Official Plan (VCOP No. 104); and
- the City's Oak Ridges Moraine Zoning By-law 2005-133 (ORM ZBL).



### **Oak Ridge Moraine Zoning By-law Compliance (ORM ZBL):**

The application proposes amendments to:

- Section 6.9 which adds mineral aggregate operations as a permitted use; and to
- Section 6.10 to permit a 13.5 m. wide unpaved driveway through a significant woodland area, which also requires a reduction of the area identified on Schedule F as Woodland Area, equal to the area of the proposed pit.

These proposed changes are appropriate and consistent with the ORMCP and VCOP No. 104.

### **Other Alternatives Considered:**

No other options were considered at this time.

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

There are no financial impacts unless Council's decision to approve or refuse to approve 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 Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the Healthy Environment strategic goal as it protects and enhances water quality; protects natural features and functions; and manages aggregate resources.

### **Servicing Comments:**

The proposed use does not require water or sanitary services and therefore, such servicing is not considered in this report. If however, the owners decide to drill a well for dust control purposes, the Health Unit will be contacted at that time. Also, if the amount of water taking is more than 50,000 L/day, a permit is required from the MECP. The owner has provided that if a new well is installed for dust control purposes, this water taking amount will not be exceeded.

### **Consultations:**

The following City Department and Divisions were consulted and have no objection to this application: Building Division, Development Engineering, Water and Wastewater Division, and EMS.

Planning Staff have had a number of meetings with the applicant and their Consultants. The applicant has also met separately with the resident objectors on different occasions to provide additional information and address their concerns.

More recently on October 1, 2018, Planning Staff met with the applicant and their hydrogeologist and Daniel and Leona Andrews. Planning Staff also met with both resident objectors, the applicant and their noise consultant on January 23, 2019, with the City's noise peer reviewer available to comment and clarify any noise related issues. A number of items were discussed including pit classification versus noise classification. In this case, Class 3 (rural) sound level limits are applied which holds the pit operator to a stricter standard. In addition, there was discussion about the types of equipment to be used as well as types of screens being implemented to mitigate noise. There was also discussion regarding dust mitigation, location of the portable crusher, the dug well and drilled well on the Andrews property including required monitoring and the height of the berms across from the Andrews property. The City has engaged peer review consultants to review the hydrogeological and noise studies at the applicant's expense. Based on extensive reviews and changes to both reports, our peer review consultants are now satisfied that these reports are acceptable and that any impacts can be adequately mitigated. The owner will install a groundwater monitoring equipment in the Andrews' well. Our noise peer review consultant is satisfied that all necessary notes with respect to noise performance standards are contained on the ARA Site Plans.

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

The application proposes to change the zone category on this property from the Oak Ridges Moraine Linkage Area (ORMLA) Zone to the Oak Ridges Moraine Mineral Extraction Exception One (ORMME-1) Zone. This will permit a mineral aggregate operation and ancillary uses to the operation. The applicant also proposes to amend Section 6.9 and 6.10 of the Special Provisions, which will permit an aggregate operation located within a Significant Woodland and a Natural Heritage Feature. The application appears to conform to Provincial Plans and appears to be consistent with the 2014 PPS. Given the results of the public consultation, the revised technical standards and the revised recommendations and final comments, these proposed changes to By-law 2005-133 are considered appropriate. Refer to Appendix 'E' to this Report.

### **Conclusions:**

City staff and peer-reviewers have completed their review of the application and the updated supporting studies and revised Site Plans incorporating changes that satisfy the MNRF. Details of any required noise mitigation measures will be established on the ARA Site Plans to be filed with the MNRF by the applicant prior to the issuance of a Class 'A' license.

Consequently, staff supports the application to amend Zoning By-law 2005-133.

Therefore, based on staff's review of the updated reports, recommendations from the City's peer-reviewers and the information contained in this report, staff respectfully recommends:

- that application D06-02-009, to amend the ORM Zoning By-law to permit an aggregate extraction use (pit), be adopted by Council and forwarded to the LPAT for approval; and

- that after this amendment to the ORM Zoning By-law is approved, staff shall then advise the Ministry of Natural resources and Forestry that Council withdraws its objection to the application by VicDom Sand and Gravel for a Licence under the Aggregate Resources Act.

### 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' – Air Photo

Appendix 'C' – Report PLAN2014-014

Appendix 'D(1-5)' – Revised Operation Plans

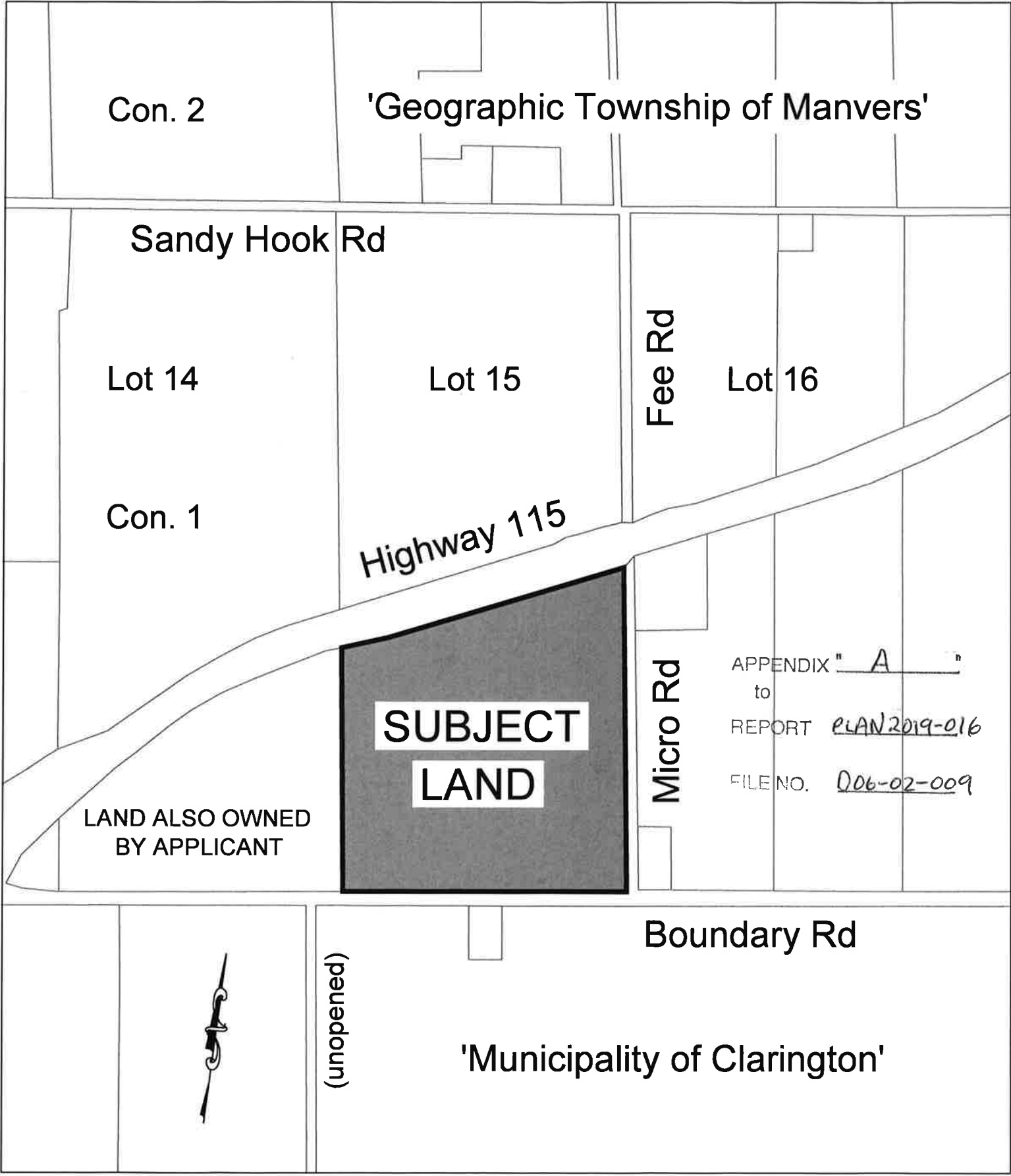
Appendix 'E' – Proposed Zoning By-law Amendment

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

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

**Department File:** D06-02-009



Con. 2

'Geographic Township of Manvers'

Sandy Hook Rd

Lot 14

Lot 15

Fee Rd

Lot 16

Con. 1

Highway 115

**SUBJECT  
LAND**

LAND ALSO OWNED  
BY APPLICANT

Micro Rd

APPENDIX " A "  
to  
REPORT ELAN2019-016  
FILE NO. 006-02-009

Boundary Rd

'Municipality of Clarington'

(unopened)





GEOMATICS  
MAPPING

## Part Lot 15, Concession 1, geographic Twp. of Manvers



### Legend

- Property ROLL#
- Property PIN#
- Lots and Concessions
- Road Centreline
- SignifWoodlands30mBuf\_Sch6
- SignifWoodland\_Sch6
- Geographic Townships
- Upper Municipalities
- Lower Tier Municipalities
- Populated Places
- Water Labels
- ORCA Regulated Areas

APPENDIX " B "  
to  
REPORT PLAN2019-016  
FILE NO. D06-02-009

### Notes

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



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

## The Corporation of the City of Kawartha Lakes

### Planning Report

Report Number PLAN2014-014

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**Date:** March 5, 2014

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

**Place:** Council Chambers

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**Ward Community Identifier:** Oak Ridges Moraine – Ward 16

**Subject:** To permit the expansion of an existing Class A - Category 3 Pit above water table with ancillary uses and to amend various zoning provisions (VicDom Sand and Gravel).

**Author/Title:** Diana Keay, Planner 2

**Signature:**



#### Recommendations:

**RESOLVED THAT** Report PLAN2014-014, **VicDom Sand and Gravel – D06-02-009**, be received;

**THAT** the proposed rezoning application, D06-02-009, submitted by MHBC Planning, Urban Design and Landscape Architecture on behalf of VicDom Sand and Gravel (Ontario) Ltd. be referred back to staff for further review and processing; and


**THAT** all interested parties be notified of Council's decision.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



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## Background:

The subject lands are located within the Oak Ridges Moraine on the south east side of Highway 115 and fronts onto Boundary Road. Durham Region (Municipality of Clarington) is located to the south of the subject lands. The owner currently operates a sand and gravel pit to the west of the subject site. This site has a total licenced area of approximately 21 ha. with 17.014 ha. of this approved for extraction and is operating no closer than 1.5 m. above the water table. This site has been operating since 1953. The owner is proposing to expand the existing operation to the east encompassing an additional 35 ha of land with a total extraction area of 18.5 ha. and no closer than 1.5 m. above the water table. The current maximum limit of extraction on site is 554,000 tons/year. The proposed maximum limit with the expansion would increase to 700,000 tons/year.

The current operation is accessed via the existing haul route on Boundary Road. This road is shared between the City of Kawartha Lakes and the Municipality of Clarington however, is it maintained by Clarington. Boundary Road will continue to operate as the haul route for the proposed expansion and therefore, no alternative route is proposed. Also, outbound truck traffic will travel westbound via Highway 115.

The surrounding land uses includes Highway 115 to the north, the existing Manvers Pit to the west, agricultural and residential lands to the east and the Ganaraska Forest and a residential lot to the south. Two residential dwellings exist in close proximity to the proposed pit. The dwelling located to the east of the proposed expansion is approximately 35 m. from the proposed site and the dwelling to the south is approximately 50 m. from the proposed site.

Owner:	VicDom Sand and Gravel (Ontario) Ltd.
Applicant:	MHBC Planning, Urban Design and Landscape Architecture
Legal Description:	Concession 1 Part Lot 15
Official Plan:	Oak Ridges Moraine Linkage Area in the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)
Zoning:	Oak Ridges Moraine Linkage Area in the Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	34.8 ha (86 acres)
Site Servicing:	No buildings are proposed and therefore, servicing is not required
Adjacent Uses:	North: Highway 115 East: Agricultural and residential



South: Ganaraska Forest and residential  
West: existing pit operation

## **Rationale:**

The owner is proposing to operate in four phases for extraction and rehabilitation. Appendix 'B(1)' and 'B(4)' provides the operation and final rehabilitation plan. The site extraction will occur according to demand of product and once extraction of a phase is exhausted, the site will be rehabilitated and move to the next phase. The current use on the proposed site is agricultural. According to the Planning Report prepared by MHBC, the site produces winter wheat. As a result, the owner will rehabilitate the site to agricultural to protect for this use in the future.

The owner has applied for a licence under the Aggregate Resources Act (ARA) and therefore, these applications are being processed concurrently. However, a licence will not be issued unless the appropriate zone is approved and in effect.

The current (and proposed) pit operates above the water table and therefore, a permit to take water from the Ministry of the Environment is not required.

The property is being reviewed under the policies of the Oak Ridges Moraine Conservation Plan. A number of studies have been submitted by the owner in support of the application. These include the following:

1. Planning Report and ARA Summary Statement prepared by MHBC Planning, Urban Design and Landscape Architecture and dated October, 2013.
2. Level 1 and Level 2 Natural Environment Technical Report prepared by Golder Associates and dated May, 2013.
3. Cultural Heritage Study prepared by MHBC Planning, Urban Design and Landscape Architecture and dated September, 2013.
4. Stage 3 Archaeological Assessment prepared by Golder Associates and dated June, 2011.
5. Water Resources Assessment prepared by Golder Associates and dated March 2013.
6. Revised Traffic Impact Study prepared by Cole Engineering and dated August 2013.
7. Noise Impact Study prepared by Golder Associates and dated October, 2013.
8. Operation Plan 2a and 2b and Rehabilitation Plan prepared by MHBC Planning, Urban Design and Landscape Architecture and dated October 3, 2013.

## **Applicable Provincial Policies:**

The property contains natural heritage features (Significant Woodlands) and aggregate resources which in the Growth Plan for the Greater Golden Horseshoe



(GPGGH) and Provincial Policy Statement (PPS) are considered valuable and should be protected.

## **The Growth Plan:**

Section 4.2 Policies for Protecting what is Valuable -

### *Section 4.2.1 – Natural Systems*

Section 4.2.1.1 of the GPGGH provides that the Minister of Public Infrastructure Renewal in consultation with municipalities and other stakeholders will identify natural systems and where appropriate develop additional policies for their protection.

Section 4.2.1.3 provides that planning authorities are encouraged to identify natural heritage features and areas that compliment, link, or enhance natural systems.

### *Section 4.2.3 – Mineral Aggregate Resources*

Section 4.2.3 in the Growth Plan provides that Ministers of Public Infrastructure Renewal and Natural Resources will work with municipalities, producers of mineral aggregates resources and other stakeholders to identify resources and develop long term strategies ensuring wise use, conservation, availability and management of mineral aggregate resources and to also identify opportunities for resource recovery and rehabilitation.

## **The Provincial Policy Statement:**

Section 1.1 – Managing and Directing land Use to Achieve Efficient Development and Land Use Patterns

*Section 1.1.1 - Healthy, livable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well being of the Province and municipalities over the long-term.
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.7 – Long-Term Economic Prosperity

*Section 1.7.1 – Long Term Economic prosperity should be supported by:*

- a) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.

- e) planning so that major facilities (such as extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse affects form odour, noise, and other contaminants, and minimize the risk to public health and safety.
- Section 2.0 – Wise Use and Management of Resources

*Section 2.1 – Natural Heritage:*

Section 2.1.4 provides that development and site alteration shall not be permitted in or adjacent to significant woodlands unless it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.5 - Mineral Aggregate Resources

Section 2.5.1, 2.5.2.1, 2.5.2.2, 2.5.2.4 provide the following:

- Mineral aggregate resources shall be protected for long-term use;
- As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible;
- Extraction shall be undertaken in a manner which minimized social and environmental impacts;
- Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would ne incompatible for reasons of public health, public safety or environmental impacts.

*Section 2.5.3 – Rehabilitation:*

Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction.

The GP and PPS are supportive of protecting and permitting extraction of aggregate resources. The applicant has submitted various reports and studies to address any environmental impacts and any impacts to public health and safety. These reports and studies have been circulated to the appropriate authority and are currently under review.

Also, aggregate operations are also reviewed by the Ministry of Natural Resources (MNR) and the Ministry of the Environment (MOE) under the Aggregate Resources Act. Additional information and further review will be required at the provincial level prior to the issuance of a licence. Any sensitive environmental features will require a permit from the MNR as well.

## **Oak Ridges Moraine:**

The property is located within the Oak Ridges Moraine and therefore, subject to the policies contained in the following documents:

- City of Kawartha Lakes Oak Ridges Moraine Policy Area -Amendment Number 104 to the Victoria County Official Plan (VCOP No. 104);
- The Oak Rides Moraine Conservation Plan (ORMCP); and,
- The Oak Ridges Moraine Zoning By-law 2005-133 (ORM ZBL).

It should be noted that the ORMCP provides a series of policies that in certain instances conflict with the VCOP No. 104 and ORM ZBL policies and provisions. The ORMCP provides within the introduction section on page 8 that where a conflict occurs, the ORMCP is the prevailing document. Also, Section 33 (1) and (2) of the ORMCP provides that the VCOP No. 104 and the ORM ZBL shall not contain provisions that are more restrictive than the ORMCP. As a result, any policies and/or provisions which create a conflict will be addressed in this report and in some cases will be considered as part of the review for amendment.

## **VCOP No. 104**

The Property is designated Oak Ridges Moraine Linkage Area (ORMLA) in the VCOP No. 104. This designation promotes connectivity of Key Natural Heritage Features (KNHF) and to maintain and where possible restore and improve open space linkages and the ecological integrity of the ORMCP. This designation permits various uses including mineral aggregate operations which are subject to various policies within the plan.

The property is also identified in the VCOP No. 104 to be within the following areas:

- Schedule 4 – Aggregate Potential: Sand and Gravel Resource
- Schedule 5 – Natural Heritage Features: Significant Wildlife
- Schedule 6 – Significant Woodlands: Woodlands
- Schedule 8 – Aquifer Vulnerability: High Aquifer Vulnerability
- Schedule 9 – Landform Conservation Area: Category 2

Each Schedule above is also addressed in the ORMCP which will be discussed later in this report.

As per Schedule 4 above, the property is identified to comprise sand and gravel resource. The owner as a result is proposing to expand the existing operation to the west of the property for extraction.

Significant Woodlands and Wildlife are considered KNHF as outlined in Section 5.2, Section 22 and Table 1 of the VCOP No. 104 and the ORMCP. The

Significant Woodlands are located on the north east corner of the site and traverse north south through the middle of the site. Significant Wildlife has been identified on the south side of the site, adjacent to the Ganaraska Forest. These KNHF are subject to the ORMCP and will be addressed simultaneously.

Schedule 8 - Aquifer Vulnerability is discussed in Section 5.5 of the VCOP No. 104. This section includes a list of various uses that are prohibited in this area and does not include mineral aggregate operations. As a result, the use is permitted. Also, areas of high aquifer vulnerability are subject to Section 42 of the ORMCP.

Schedule 9 - Landform Conservation Area is addressed in Part 6 of the VCOP No. 104 and provides that development applications are subject to the policies contained in Section 30 or the ORMCP.

Section 7.2 – Natural Linkage Area provides that the following Sections from the ORMCP will also apply to ORMLA with respect to mineral aggregate operations:

Section 33 – Restricted re: agricultural, mineral aggregates, wayside pits;  
Section 35 – Mineral Aggregate Operations and Wayside Pits; and,  
Section 36 – Comprehensive Rehabilitation Plans

Each section above will be discussed in further detail below.

### **Oak Ridges Moraine Conservation Plan (ORMCP):**

The ORMCP contains six parts and this report will discuss various policies contained within the first four parts as they relate to this application. These parts includes: Part 1 - General (land use information), Part 2 - Land Use Designations, Part 3 - Protecting Ecological and Hydrological Integrity (this includes KNHF and Landform Conservation Areas) and Part 4 - Specific Land Use Policies (mineral aggregate operations).

As provided in Schedule 9, Landform Conservation area - Category 2 exists on the west side of the proposed site. Landform Conservation areas are subject to the policies contained within Section 30 of the ORMCP. However, Section 30 (7) provides that these policies do not apply to mineral aggregate operations and therefore, are permitted.

As mentioned above, Section 42 addresses High Aquifer Vulnerability. Similar to the VCOP No. 104, this section provides a list of prohibited uses which does not include mineral aggregate operations. As a result, the use is permitted.

This site contains and is adjacent to KNHF's, specifically Significant Woodlands and Significant Wildlife. Section 22 (2) – Key Natural Heritage Features of the ORMCP provides that any development or site alteration within a KNHF shall be

prohibited except for management of wildlife, forest and fish, conservation and erosion or flood control projects, transportation, infrastructure and utilities and low intensity recreation. However, Section 22 (3) provides that any proposed uses within the area of influence (120 m.) of a KNHF may be considered through a natural heritage evaluation. This evaluation must demonstrate that there would be no negative impacts to the KNHF and demonstrate how connectivity will be maintained between features. This section is discussed further under Section 35 (4) below.

The proposed operation is located in a KNHF (Significant Woodlands) and within 120 m. of both identified KNHF's and therefore, a Natural Heritage Evaluation is required. Also, where a Significant Woodland exists, the ORMCP requires a 30 m. buffer from the base of the outmost tree trunk. The owner retained Golder Associates to prepare a Level 1 and Level 2 Natural Environmental Technical Report. This report identified any significant species, analyzed the potential impacts on the KNHF's as a result of the proposed operation and provided recommendations based on the findings. This is discussed in further detail below.

Conversely, Section 35 – Mineral Aggregate Operation and Wayside Pits of the ORMCP provides a set of policies that must be met in order to obtain application approval. This includes operations within the ORMLA and operations located on a site that contain or are adjacent to KNHF's.

Section 35 (c) provides that any KNHF located in or adjacent to a mineral aggregate operation will ensure the health, diversity, size and connectivity is maintained and where possible improved or restored.

Section 35 (2) provides that mineral aggregate operations must demonstrate the following for approval:

- Compliance with Section 35 (1) – the relevant subsection is 35 (c) as mentioned above;
- No extraction within 1.5 m. of the water table;
- Extraction will be completed as quickly as possible;
- The site will be rehabilitated

Section 35 (3) also provides that mineral aggregate operations located in ORMLA must maintain connectivity by excluding areas of the site at all times from operation that:

- Is at least 1.25 km wide;
- Lies outside the active portions of the site; and,
- Connects parts of the ORMLA outside of the operation.

Section 35 (4) provides that despite Section 22 (2) – which prohibits this use within KNHF's, a mineral aggregate operation is permitted if:

- The KNHF is occupied by a young plantation or early succession habitat and the applicant can demonstrate the following:
  - Long-term ecological integrity of the Plan Area is maintained, and where possible restored or improved; and,
  - The extraction will be completed and rehabilitated as soon as possible

Finally, Section 36 of the ORMCP indicates that a comprehensive rehabilitation plan is required after extraction is exhausted. The owner and municipalities are encouraged to work together to develop these plans and ensure its implementation.

The Level 1 and Level 2 Natural Environmental Technical Report prepared by Golder Associates discuss the Significant Wildlife and Significant Woodland features on site. Level 1 of the report identifies two potential species that may occur in the area known as the Gray Fox and the Monarch Butterfly. The report provides that the natural physical features including lack of on site water and dense bush creates difficulties for the gray fox to establish a permanent habitat. As a result, it is unlikely that the gray fox would habitually occur in this area. As a result, further analysis in Level 2 was not required. The monarch butterfly is observed as likely to occur on or adjacent to the site and is considered as a species of special concern. Goldenrod which is a food source for the butterfly was observed on site however, Milkweed, the required flower for egg-laying was not observed on site. There were no large concentrations of the monarch butterfly on site, only limited numbers. As Goldenrod is abundant throughout the region, local occurrence is not considered significant. Based on this information, further analysis was carried over to Level 2.

Level 2 provides that the Significant Woodlands do not qualify as a young plantation or early succession habitat and therefore, must be protected. As a result, the proposed operation will remain outside of this area save and except a 20 m. wide roadway providing access from the existing operation to the proposed. The report also provides that in Golder Associates opinion, the tree species on site do not possess the qualities or characteristics of a Significant Woodland due to their cultural original however, are classified on the basis of the species presence in the linkage area. Based on this information, the report recommends a 15 m. buffer from the proposed extraction area rather than the required 30 m. buffer as stipulated in the ORMCP. A geotechnical analysis will be required to maintain this proposed buffer and prevent erosion.

The Planning Report prepared by MHBC provides that the current use of the site is agricultural and is currently being farmed. The land is not considered prime agricultural within the VCOP No. 104 or OMAFRA mapping. The owner proposes to rehabilitate the site back to agricultural in order to re-establish the use. There will be no extraction within 1.5 m. of the water table and although, it is the intent

of the owner to extract the material as quickly as possibly, the market demand will dictate the timeline.

The Planning Report and the Level 1 and 2 Natural Environmental Technical Report provide that the proposed operation meets the criteria as set out in the ORMCP.

Staff is currently reviewing the reports in detail taking into consideration the reduced buffer and the 20 m. roadway. Further review and analysis is required.

### **Aggregate Secondary Plan (ASP):**

Aggregate Secondary Plan Steering Committee:

The Steering Committee for Aggregate Secondary Plan was formed and has been working since the beginning of 2013 towards resolving the following matters as part of the secondary planning exercise:

- Updating and refining Aggregate Resource Reserve mapping;
- Establishing detailed study requirements for aggregate applications that consider the scale of operation and location;
- Establishing detailed monitoring requirements;
- Establishing preferred haul routes and addressing their connection to haul routes in adjacent municipalities; and,
- Determining the review process and type of applications needed to consider new aggregate operations in areas identified as Aggregate Resource Reserve.

Staff estimates that the policies will be completed for consideration by Council before end of Q2, 2014.

The policies contained within the ASP will not apply to the ORM as this area has its own plan however; the City is working to ensure that all aggregate operations including haul routes are processed consistently and conform to and is consistent with provincial policies.

### **Oak Ridge Moraine Zoning By-law Compliance (ORM ZBL):**

The property is zoned Oak Ridges Moraine Natural Linkage Area (ORMLA) in the ORM ZBL. This zone does not permit mineral aggregate operations and therefore, an application was submitted for consideration. In addition to the use other amendments are require for consideration based on Section 6 - Special Provisions of the ORM ZBL. This include, parking to be located on the existing operation lands to the west, permitting a 20 m. wide roadway connecting the existing and proposed pit through the Significant Woodlands and to permit the use on lands containing KNHF.



The following Schedules are contained within the ORM ZBL and identify special features on site:

- Schedule C has identified Natural Heritage Features (NHF) within the southeast corner of the proposed operation site. This may include ANSI/Wetland features.
- Schedule D has identified the entire site to be within an Area of High Aquifer Vulnerability
- Schedule E has identified a portion of the west side of the property to be within a Landform Conservation Area – Category 2.
- Schedule F has identified Significant Woodlands surrounding most of the site beyond what is identified in the VCOP No. 104 Schedule 6.

Schedule D and E contain provisions which are identical to the policies within the ORMCP and VCOP No. 104. The list of prohibited uses in the Area of High Aquifer Vulnerability does not include mineral aggregate operations. Also, the provisions of the Landform Conservation Area – Category 2 do not apply to mineral aggregate operations.

Section 6.9 of the ORM ZBL restricts the type of uses permitted on existing lots of record containing one or more NHF. A mineral aggregate operation is not a permitted use. Also, this section indicates that any proposed land use change required under the Planning Act, requires an amendment. Schedule C has identified ANSI/Wetland features on site that is not consistent with the ORMCP. As this is a conflict and the ORM ZBL may not establish provisions that are more restrictive than the ORMCP, the ORCMP prevails. Therefore, the owner is seeking an amendment to this section that adds mineral aggregate operations as a permitted use and changes the NHF boundary to exclude the subject site on Schedule C.

Section 6.10 provides similar restrictions as Section 6.9 regarding Significant Woodlands. Although, it is the intent to protect the majority of the Significant Woodlands by excluding these lands from extraction, the applicant is proposing to create a 20 m. wide roadway. As a result, an amendment is required.

Further review and analysis of the reports concerning the proposed amendments is required and ongoing by staff.

### **Other Alternatives Considered:**

No other options were considered at this time.

### **Financial Considerations:**

There are no financial considerations unless Council's decision to adopt, or its refusal to adopt the requested amendment, is appealed to the Ontario Municipal

Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To Strategic Priorities:**

Council has identified four strategic priorities which include enhancing tourism, managing aggregates, developing a knowledge-based economy, and creating connections. This application supports the “managing aggregates” priority by providing for the use and extraction of aggregate resources within the City of Kawartha Lakes in appropriate locations and within prescribed operational requirements and restrictions.

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

Not applicable

### **Servicing Comments:**

The proposed use does not require water or sanitary services and therefore, is not being considered in this report. If however, the owners decide to drill a well for dust control purposes, the Health Unit will be contacted at that time. Also, if the amount of water taking is more than 50,000 L/day a permit is required by the MOE. The owner has provided that if a new well is installed for dust control purposes this amount will not be exceeded.

### **Consultations:**

Notice of this application was circulated to the prescribed persons within a 500 metre radius, agencies, and City Departments which may have an interest in the proposed application. As of the writing of this report, staff has received the following comments:

Staff received a phone call from a resident at 16 Micro Road located directly east of the proposed operation inquiring about the notice. The resident indicating she objects to the application and was concerned about truck traffic on Micro Road. Staff advised the resident that the existing entrance on Boundary Road will be used to access the site and no new access is being proposed. Also, staff informed the resident that an open house will be required and what this entails. The owners will be submitting a letter of objection and advised staff that they will attend the March 5, 2014 Planning Committee meeting.

Ministry of Transportation on December 18, 21013 provided they have no concerns with the application.

Health Unit on December 13, 2013 indicated that they do not need to perform a site visit as no development is proposed.

Emergency Services Department on December 19, 2013 provided they have no comments.

Engineering Division on January 24, 2014 indicated they have no concerns.

Alderville First Nations on December 13, 2013 stated that there will be minimal impact and have no concerns.

Georgina Island on January 14, 2014 would like to be kept informed and circulated on the application.

Hiawatha First Nations on February 7, 2014 indicated that they have no concerns.

The Otonabee Region Conservation Authority on January 14, 2014 provides that although they generally support the application they recommend that the 30 m. buffer from the Significant Woodlands be maintained as opposed to the proposed 15 m. buffer as recommended by Golder Associates. Also, the Level 1 and Level 2 Natural Environmental Technical Report does not provide sufficient information to demonstrate that the proposed 20 m. wide roadway will maintain the requirements in the natural heritage reference manual, and thus the PPS, and as a result more information is required.

Municipality of Clarington requires more time for review and will submit their comments as soon as possible.

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

### **Supporting Studies:**

The applicant submitted various studies in support of the application. The recommendations of each study are attached as an appendix for information purposes save and except the Traffic Impact Study (TIS) which is contained within the body of this report.

The Noise Study prepared by Golder Associates provides various mitigation measures to ensure the operation is in compliance with the noise guidelines as established by the MOE. These mitigation measures have been included in the overall plan and application submitted to the MNR under the ARA. Appendix 'C' outlines these measures.

A Water Resource Assessment was also prepared by Golder Associates to determine any potential impacts to ground and surface water as a result of the

proposed operation. The report provides that there are no groundwater dependent natural features on site and the site does not contain any water wells or sensitive natural features that will be affected by the proposed operation. The site will not require a permit to take water and the operation will be approximately 2 m. above the water table but no less than 1.5 m. as required in the ORMCP. The report has included a list of mitigation measure as a precaution and is attached as Appendix 'D' to this report.

Further analysis is required for the Level 1 and Level 2 Natural Environmental Technical Report. The concerns raised by ORCA must be addressed and Staff requires clarification regarding the information pertaining to the Monarch Butterfly. Level 1 of the report provides that there is an abundant source of Goldenrod throughout the region however; the analysis is carried over to Level 2 without further discussion. The consultant should provide whether the area containing this food source should be preserved as the Monarch Butterfly is considered a species of special concern. The recommendations from this report have been attached as Appendix 'E' for information.

A Traffic Impact Study was prepared by Cole Engineering. The TIS confirms that the site will be accessed via the current entrance on Boundary Road. No other access has been contemplated at this time. The road is jointly shared between The City of Kawartha Lakes and the Municipality of Clarington however, Clarington maintains the road. The report provides that all truck traffic will be leaving westbound on Boundary Road and has direct access to Highway 115. The study has concluded that the total trips generated by truck traffic will include 20 trips per peak hour in the morning and 20 trips in the peak hour during the afternoon. No impacts are anticipated, additional lanes are not warranted and that the current site access will continue to operate in excellent levels of services under future total traffic conditions (2018 horizon). The report recommends the following to be incorporated on site:

- Access on Boundary Road should be redesigned to accommodate a single inbound/outbound lane. This will include a stop sign and stop bar and require a minimum of 15 m. radius and a 9 m. wide throat at the entrance
- Signage including truck entrance warning and oversized truck entrance are recommended on the property
- The daylight triangle on the corner of Boundary and Micro Road should be maintained as per the ZBL.

The TIS acknowledges that the City is currently undertaking a haul route study however; there are no draft policies available at this time.

As per ORCA's comments, consideration should be given to relocating the proposed internal haul route outside of the Significant Woodland. Further discussion and analysis is required.

The site must adhere to the dust control requirements as set out in the ARA Provincial Standards. The Planning Report provides that the owner will conform to these requirements and has been demonstrated in the ARA submission.

Cultural Heritage and Archaeological Assessments were prepared by MHBC and Golder Associates. Both studies concluded that no significant cultural heritage features or evidence of archaeological findings were observed on site. Based on the City's database, there are no heritage buildings in the area that are designated. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport for review. A letter was prepared by the Ministry on June 12, 2012 indicating that they are satisfied with the information in the report.

#### **Proposed Pit Expansion and Proposed Amendments:**

The application proposes to change the zone category from ORMLA to Oak Ridges Moraine Mineral Extraction Exception One (ORMME-1) Zone. This will permit a mineral aggregate operation and ancillary uses to the operation. The applicant is also proposing to amend Section 6.9 and 6.10 of the Special Provisions which will permit an aggregate operation located within a Significant Woodland and a NHF (ANSI/Wetland). These changes would also result in amending Schedule C to change the NHF boundary line to exclude the proposed operation site.

Staff agrees that an exception zone is appropriate as the proposed amendments are site specific. Staff will continue to process the application based on these proposed amendments to the ORM ZBL.

#### **Open House:**

The owner is required to host an open house for the public in order to present information about the project and answer or address any questions, concerns or inquiries. The applicant has agreed to hold an open house prior to any recommendation on this application to planning committee. The owner will be responsible for appropriately advertising, securing a venue and hosting the meeting.

#### **Aggregate Resources Application:**

The applicant is required to and has submitted an ARA application for the proposed pit to the Ministry of Natural Resources (MNR) for consideration. Any planning approvals and conditions imposed by the City will be reported to the MNR through the site plan and licence review process. Both the City and the public will have an opportunity for input into the site plan conditions at that time.

## **Conclusion:**

Staff will continue to review of the application and supporting studies specifically, the Level 1 and Level 2 Natural Environmental Technical Report. The applicant must address the comments by ORCA and provide clarification to planning staff on the Level 2 analysis. Also, the owner is required to host an open house for the public prior to staff recommendation. Based on the information contained in this report, staff respectfully recommends that the application be referred back to staff for further processing.

## **Attachments:**

Appendix 'A' – Location Map  
Appendix 'B' – Existing Features  
Appendix 'B(1)' – Operational Plan 2a  
Appendix 'B(2)' – Operation Plan 2b  
Appendix 'B(3)' – Final Rehabilitation Plan  
Appendix 'B(4)' – Cross Sections  
Appendix 'C' – Noise Study Recommendations  
Appendix 'D' – Water Resource Assessment Recommendations  
Appendix 'E' – Level 1 and Level 2 Natural Environmental Technical Report



Appendices 'A to E'

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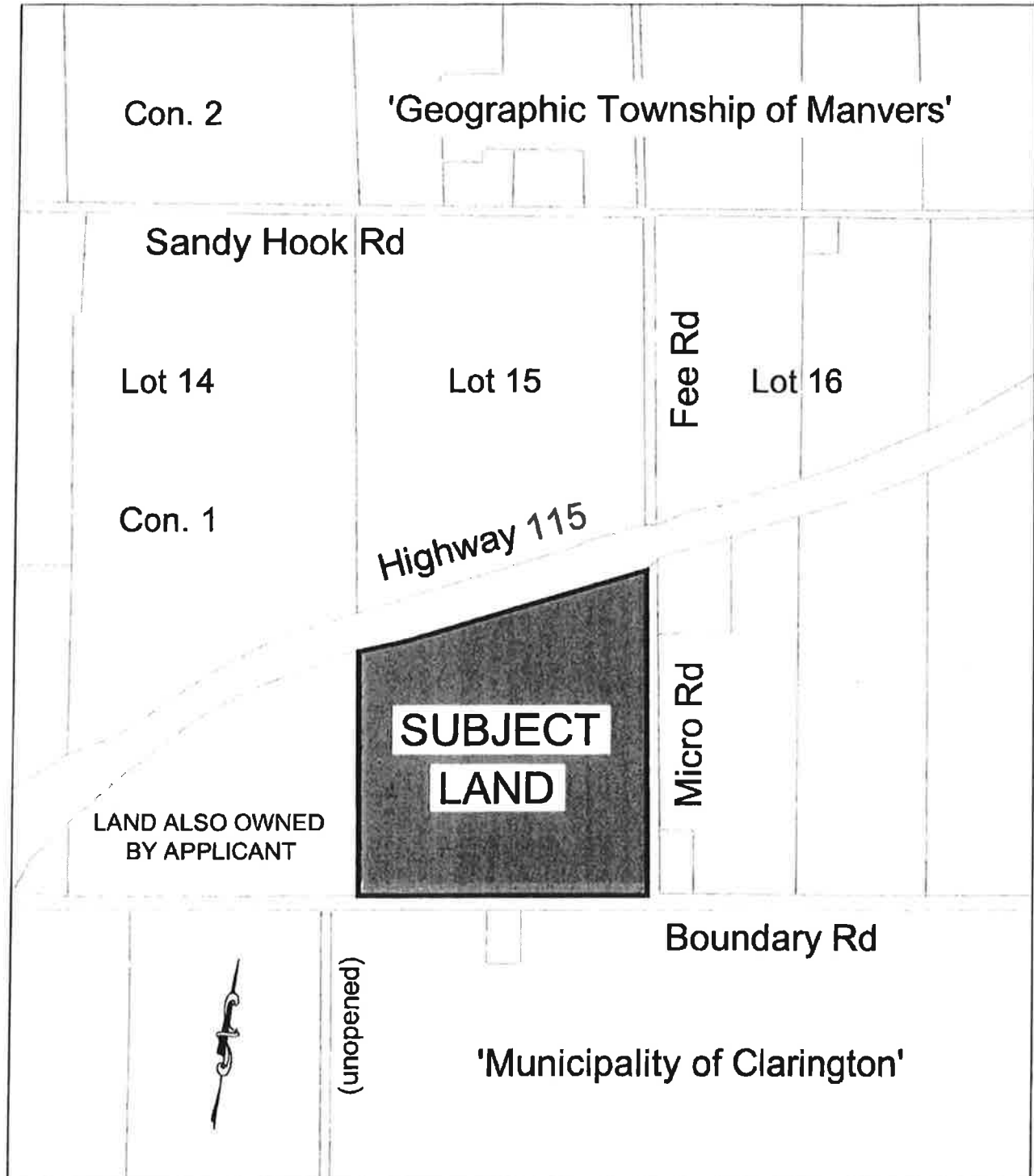
**Department Head: Ron Taylor**

**Department File: D06-02-009**

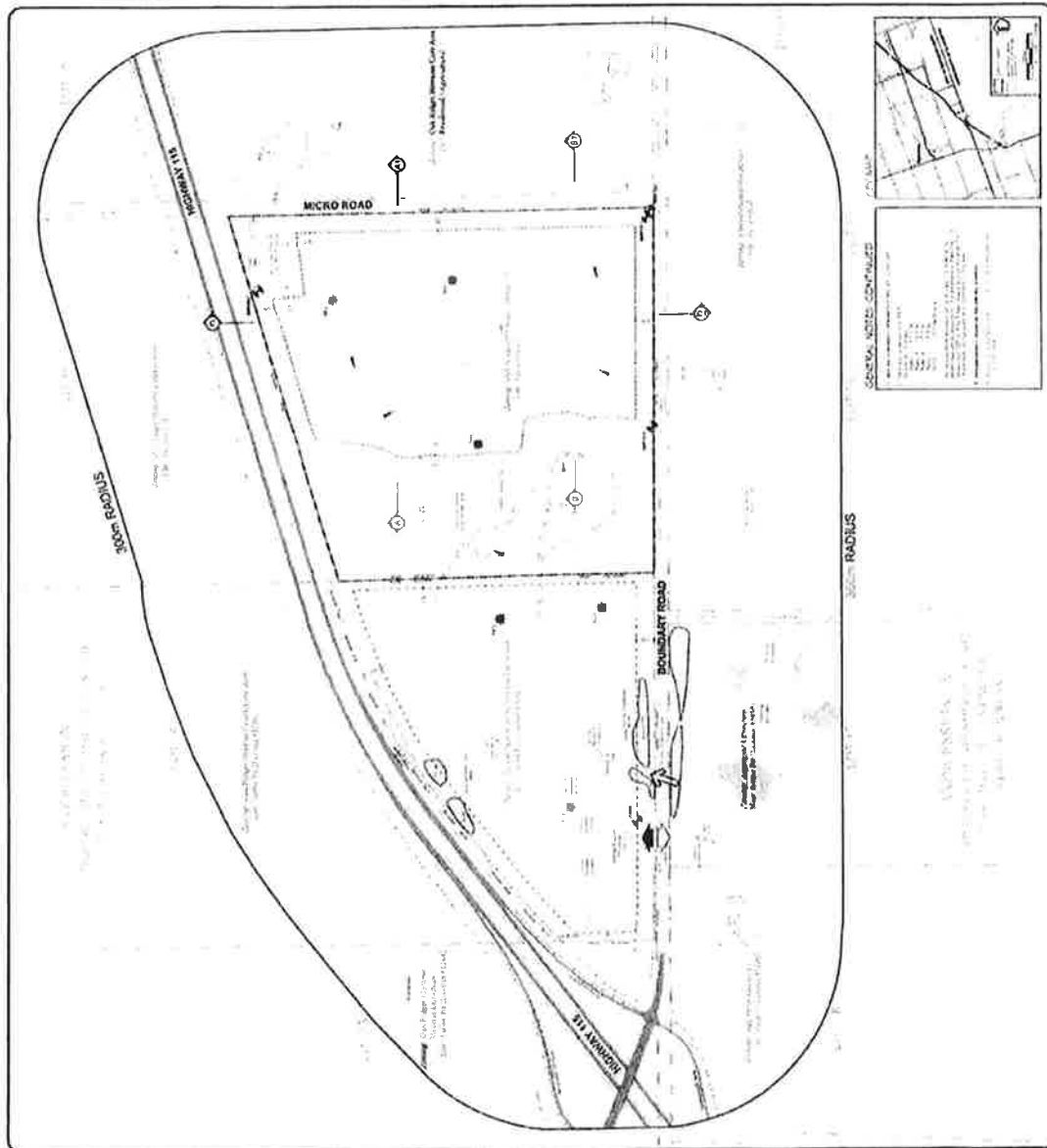
APPENDIX " A "

to  
REPORT PLAN 2014-014

FILE NO. Dub-02-009







**Existing Features**  
1 of 4

**Legend**

Proposed Feature	Existing Feature
Proposed Boundary	Existing Boundary
Proposed Road	Existing Road
Proposed Building	Existing Building
Proposed Pond	Existing Pond
Proposed Drainage	Existing Drainage
Proposed Access	Existing Access
Proposed Utility	Existing Utility
Proposed Structure	Existing Structure
Proposed Plant	Existing Plant
Proposed Equipment	Existing Equipment
Proposed Storage	Existing Storage
Proposed Material	Existing Material
Proposed Waste	Existing Waste
Proposed Hazard	Existing Hazard
Proposed Obstacle	Existing Obstacle
Proposed Barrier	Existing Barrier
Proposed Signage	Existing Signage
Proposed Lighting	Existing Lighting
Proposed Security	Existing Security
Proposed Safety	Existing Safety
Proposed Health	Existing Health
Proposed Environment	Existing Environment
Proposed Social	Existing Social
Proposed Cultural	Existing Cultural
Proposed Historical	Existing Historical
Proposed Archaeological	Existing Archaeological
Proposed Paleontological	Existing Paleontological
Proposed Geological	Existing Geological
Proposed Biological	Existing Biological
Proposed Ecological	Existing Ecological
Proposed Environmental	Existing Environmental
Proposed Socio-Economic	Existing Socio-Economic
Proposed Policy	Existing Policy
Proposed Plan	Existing Plan
Proposed Strategy	Existing Strategy
Proposed Action	Existing Action
Proposed Outcome	Existing Outcome
Proposed Impact	Existing Impact
Proposed Effect	Existing Effect
Proposed Consequence	Existing Consequence
Proposed Result	Existing Result
Proposed Finding	Existing Finding
Proposed Conclusion	Existing Conclusion
Proposed Recommendation	Existing Recommendation
Proposed Suggestion	Existing Suggestion
Proposed Advice	Existing Advice
Proposed Guidance	Existing Guidance
Proposed Direction	Existing Direction
Proposed Indication	Existing Indication
Proposed Signal	Existing Signal
Proposed Message	Existing Message
Proposed Communication	Existing Communication
Proposed Information	Existing Information
Proposed Data	Existing Data
Proposed Evidence	Existing Evidence
Proposed Proof	Existing Proof
Proposed Demonstration	Existing Demonstration
Proposed Illustration	Existing Illustration
Proposed Representation	Existing Representation
Proposed Depiction	Existing Depiction
Proposed Portrayal	Existing Portrayal
Proposed Image	Existing Image
Proposed Picture	Existing Picture
Proposed Photograph	Existing Photograph
Proposed Drawing	Existing Drawing
Proposed Sketch	Existing Sketch
Proposed Map	Existing Map
Proposed Chart	Existing Chart
Proposed Graph	Existing Graph
Proposed Diagram	Existing Diagram
Proposed Flowchart	Existing Flowchart
Proposed Organizational Chart	Existing Organizational Chart
Proposed Process Flowchart	Existing Process Flowchart
Proposed System Flowchart	Existing System Flowchart
Proposed Network Flowchart	Existing Network Flowchart
Proposed Data Flowchart	Existing Data Flowchart
Proposed Information Flowchart	Existing Information Flowchart
Proposed Communication Flowchart	Existing Communication Flowchart
Proposed Management Flowchart	Existing Management Flowchart
Proposed Business Flowchart	Existing Business Flowchart
Proposed Financial Flowchart	Existing Financial Flowchart
Proposed Marketing Flowchart	Existing Marketing Flowchart
Proposed Sales Flowchart	Existing Sales Flowchart
Proposed Distribution Flowchart	Existing Distribution Flowchart
Proposed Production Flowchart	Existing Production Flowchart
Proposed Manufacturing Flowchart	Existing Manufacturing Flowchart
Proposed Assembly Flowchart	Existing Assembly Flowchart
Proposed Packaging Flowchart	Existing Packaging Flowchart
Proposed Shipping Flowchart	Existing Shipping Flowchart
Proposed Logistics Flowchart	Existing Logistics Flowchart
Proposed Supply Chain Flowchart	Existing Supply Chain Flowchart
Proposed Value Chain Flowchart	Existing Value Chain Flowchart
Proposed Business Process Flowchart	Existing Business Process Flowchart
Proposed Operational Flowchart	Existing Operational Flowchart
Proposed Project Flowchart	Existing Project Flowchart
Proposed Program Flowchart	Existing Program Flowchart
Proposed Policy Flowchart	Existing Policy Flowchart
Proposed Procedure Flowchart	Existing Procedure Flowchart
Proposed Protocol Flowchart	Existing Protocol Flowchart
Proposed Standard Flowchart	Existing Standard Flowchart
Proposed Specification Flowchart	Existing Specification Flowchart
Proposed Requirement Flowchart	Existing Requirement Flowchart
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Proposed Condition Flowchart	Existing Condition Flowchart
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Proposed Context Flowchart	Existing Context Flowchart
Proposed Environment Flowchart	Existing Environment Flowchart
Proposed Setting Flowchart	Existing Setting Flowchart
Proposed Location Flowchart	Existing Location Flowchart
Proposed Place Flowchart	Existing Place Flowchart
Proposed Area Flowchart	Existing Area Flowchart
Proposed Region Flowchart	Existing Region Flowchart
Proposed Territory Flowchart	Existing Territory Flowchart
Proposed Domain Flowchart	Existing Domain Flowchart
Proposed Field Flowchart	Existing Field Flowchart
Proposed Sphere Flowchart	Existing Sphere Flowchart
Proposed Circle Flowchart	Existing Circle Flowchart
Proposed Sphere Flowchart	Existing Sphere Flowchart
Proposed Universe Flowchart	Existing Universe Flowchart
Proposed Cosmos Flowchart	Existing Cosmos Flowchart
Proposed World Flowchart	Existing World Flowchart
Proposed Earth Flowchart	Existing Earth Flowchart
Proposed Planet Flowchart	Existing Planet Flowchart
Proposed Galaxy Flowchart	Existing Galaxy Flowchart
Proposed Universe Flowchart	Existing Universe Flowchart

**RECEIVED**  
NOV 13 2013

**PROJECT NAME:**  
Manvers Pit Extension

**PROJECT LOCATION:**  
Vicinity of Manvers Pit, Ontario

**PROJECT OWNER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT MANAGER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT ENGINEER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT SURVEYOR:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT DRAFTER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT CHECKER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT APPROVER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT REVIEWER:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT COMMENT:**  
Vicdon Sand & Gravel (Ontario) Ltd.

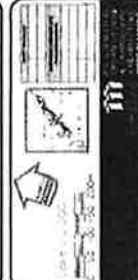
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Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT SCALE:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT STATUS:**  
Vicdon Sand & Gravel (Ontario) Ltd.

**PROJECT NOTES:**  
Vicdon Sand & Gravel (Ontario) Ltd.



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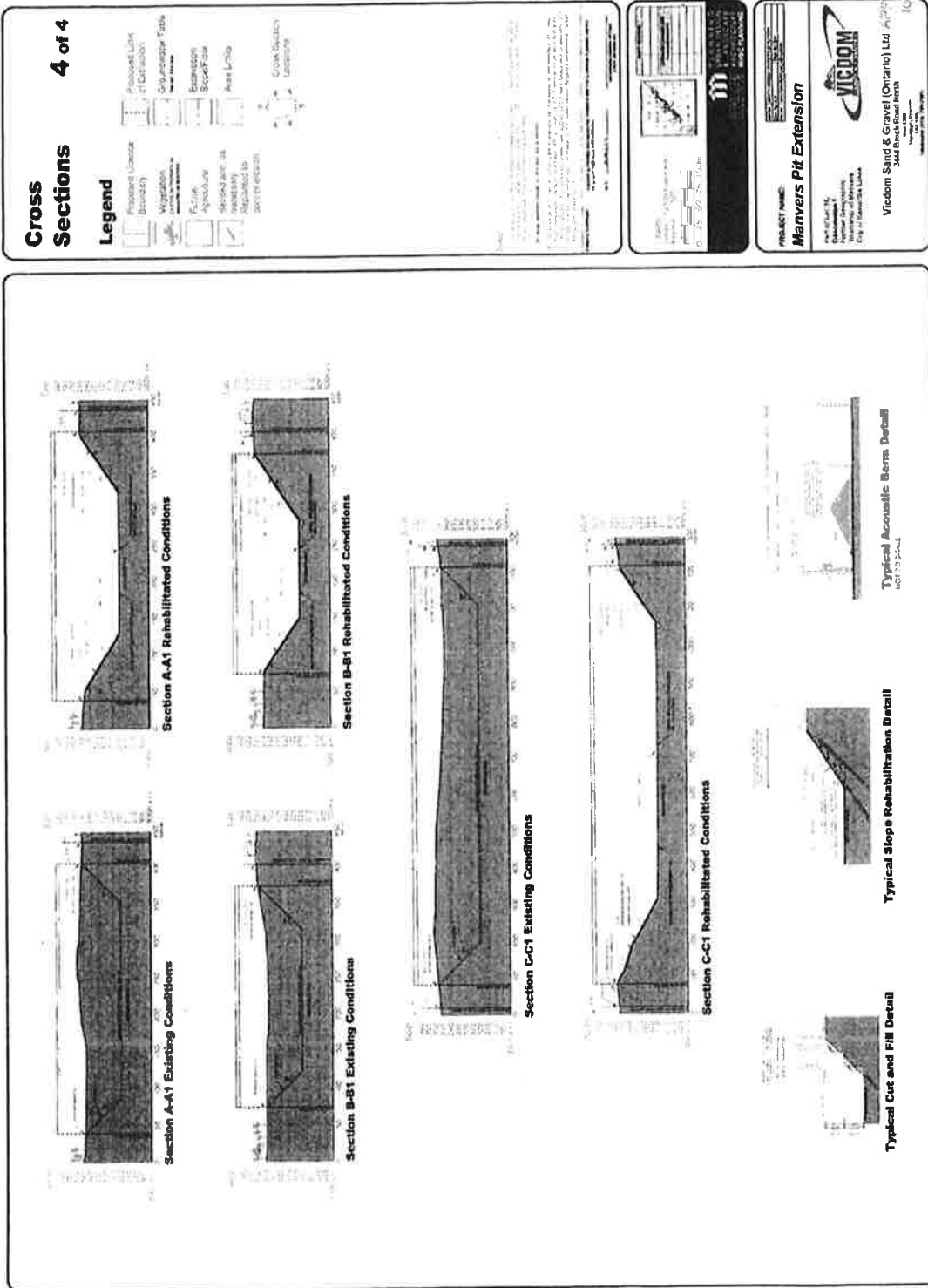
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**PROXACT NAME:**

**Manvers Pit Extension**

**Vicdom Sand & Gravel (Ontario) Ltd**
 3444 Brock Road North  
 Scarborough, Ontario  
 M1S 1V7  
 Tel: (416) 291-1111  
 Fax: (416) 291-1112





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## NOISE IMPACT ASSESSMENT PROPOSED AGGREGATE PIT LICENSING

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### 8.0 GENERAL PIT OPERATIONS NOISE CONTROLS

The following summarizes general pit operation noise controls and assumptions that should be followed in all of the operational sequences of the proposed extraction area:

- the portable crushing plant will be located in the existing pit or in the northwest corner of the extension as indicated in Figure 2;
- use of the portable crushing plant in the extension area will be on the final pit floor elevation;
- where possible, stockpiles should be placed to act as a barrier, shielding the POR locations from the noise emitted by the portable crushing plant;
- general extraction outlined in Figure 3 will be followed;
- the front end loaders, screening plants, excavator, and articulated trucks will generally operate within 30 m of the extraction face;
- pit equipment will be consistent to those listed in Table 1;
- pit equipment will satisfy overall sound power levels summarized in Table 1;
- equipment will be maintained in good condition;
- on-site road-ways will be maintained to limit noise resulting from trucks driving over ruts and pot-holes;
- a berm will be installed along the south and southeast borders of the limit of extraction;
- the berm will have a minimum height of 5 m above existing grade; and
- the berm will be installed prior to commencing the extraction of Phase 3.

APPENDIX " C "   
to

REPORT PLAN 2014-014

FILE NO. D06-02-009

APPENDIX " D "

to

REPORT PLAN 2014-014

FILE NO. D06-02-009

## MANVERS PIT EXTENSION WATER RESOURCE ASSESSMENT

### 9.3 Post-Development Water Quality

Upon rehabilitation the pit will be returned to agricultural/pasture end use. One of the key differences between pre- and post-extraction is the reduction in unsaturated zone thickness above the water table through the removal of the overlying sand and gravel resource. It is often perceived that this reduction in unsaturated zone thickness will reduce the time for nitrates and/or pathogens to travel from the new ground surface to a hypothetical off-site receptor, in some cases reducing the overall "filtering capacity" of a site. Travel through the saturated zone, however, is typically ignored whereas the majority of filtering actually occurs within the saturated zone. While there will be loss of some attenuating capacity with the removal of the unsaturated resource at the proposed extension, there will still be saturated zone filtering capabilities remaining as extraction at the Site will remain above the water table. In addition, the return of the land to agricultural practices will coincide with the surrounding land uses (i.e., agricultural) and any future concentrations of nitrates and/or pathogens that may be introduced to the groundwater through future farming practices would be similar to the already established environs. Soil conditioning will be carried out on rehabilitated portions of the property that will be used as agricultural land in the future, and agricultural BMPs would be carried out if found to be necessary.

Groundwater quality samples should be taken on an annual basis during operations and continue for a period of two years after final rehabilitation of the Site has taken place.

### 10.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions are provided in support of a licence application for the Manvers Pit Extension property:

- 1) The resource found in the property is considered to be of primary significance according to ARIP mapping for the area.
- 2) No water wells or sensitive natural environment features will be affected by the extraction of the resource on Site to 2 m above the seasonally high water table. There were no groundwater dependent natural environment features identified during the course of the investigations used to support the licence application.
- 3) There will be no alteration to any surface water features as a result of extraction on the property.
- 4) The acquired baseline characteristics of water quality at selected monitoring wells provide a basis for comparison of any subsequent testing, both during extraction and after rehabilitation.
- 5) There are currently no plans for water taking to occur on the Extension Site.
- 6) Rehabilitation to an agricultural end use will allow for the return of the land to approximate pre-extraction conditions. The rehabilitated land is not anticipated to increase the opportunity for contamination to be introduced. In addition, the total setback from the water table will be approximately 2 m across the entire property once soils have been placed for agricultural after use.

Considering the above conclusions, no adverse hydrogeological impacts associated with this licence application are anticipated. As such, a Level 2 Hydrogeological Study is not required.



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## MANVERS PIT EXTENSION WATER RESOURCE ASSESSMENT

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The following recommendations are provided in order to support the licence application for the Manvers Pit Extension property:

- 1) Quarterly groundwater level monitoring shall be carried out on monitoring wells MW10-2, MW12-1 and the monitoring well in the adjacent Manvers Pit (CMW), in order to ensure maximum depth of extraction is at least 1.5 m above the water table on the property.
- 2) MW10-1 and MW10-3 no longer need to be monitored as a perched water table has not been identified in this area of the property (i.e., along the southern boundary). As such, both wells shall be properly decommissioned in accordance with the Ontario Water Resources Act.
- 3) No fuel storage will occur on this Site. All refueling of equipment shall occur in the fuel spill containment area in the existing Manvers Pit and in accordance with the existing Spill Contingency Plan. The only exception to this is for processing structures which cannot readily be relocated. Such structures may be refueled within the expansion pit provided that the refueling activity utilizes portable spill containment facilities approved by the MOE. A portable spill containment facility, approved by the MOE, shall be installed on-Site prior to such equipment or structures being operated.
- 4) Water quality monitoring shall take place in monitoring wells MW10-2, MW12-1 and the CMW well annually during operations and for a period of two years after final rehabilitation of the property has taken place.
- 5) Final rehabilitation of the property will include sloping of the ground surface towards the centre of the Site to encourage infiltration of water within the Site and eliminate the potential for off-Site runoff.

### 11.0 CLOSURE

Based on the foregoing considerations, it is our opinion that the extraction of the primary resource on the proposed Manvers Pit Extension property can be carried out with no appreciable hydrogeological effects on groundwater use in the surrounding area. Curricula Vitae of the individuals involved in the preparation of this report are provided in Appendix E.

APPENDIX " E " to

REPORT PLAN 2014-014

## VICDOM MANVERS PIT LEVEL 1 AND LEVEL 2 NATURAL ENVIRONMENT TECHNICAL REPORT

FILE NO. D06-02-009

Following extraction, the haul road will be de-compacted by subsoiling, top soil will be spread to a depth of 15 cm and the haul corridor will be planted with native trees and shrubs to restore the woodland connection between the north and south patches. To restore the haul road to a woodland condition, it is recommended that 400 whip-sized saplings of such native species as sugar maple, white birch (*Betula papyrifera*), white ash (*Fraxinus americana*), white pine and basswood, or others suited to the site conditions, be planted in a random mix within the limits of the road corridor. Individual tree stems should be a minimum of 3 m from each other and should not be planted in rows.

### 6.0 REHABILITATION CONSIDERATIONS

In addition to the restoration recommendations in the previous section, a phased approach to extraction will be developed. To the extent possible, progressive rehabilitation will occur by appropriately stabilizing and planting each extracted area as preparation is made for the next phase of extraction. Excavation of the site will meet the requirements of the ORMCP "Natural Linkage Area" (MMAH 2002) and rehabilitation will occur as expeditiously as possible. A rehabilitation plan has been prepared by MHBC as part of the licence application, with ecological input from this natural environment assessment. Where natural feature restoration occurs, the site will be restored to a level of equal or improved ecological values relative to the current ecological values.

To ensure that agricultural productivity is fully restored, top soil will be stripped and stored until it is returned to the former agricultural area. Following the replacement of top soil to a minimum depth of 15 cm, the restored area will be sown with a grass-legume seed mix to produce a 'green manure' crop that will be ploughed under to increase the organic content of the soil and improve soil structure. Grain crops, such as wheat or corn, are recommended in the first years following restoration, as they will most effectively permit the control of weeds in the restored fields.

### 7.0 CONCLUSIONS AND RECOMMENDATIONS

The natural environment features within and adjacent to the site have been inventoried and assessed with respect to special conservation designations applied by the province (MMAH 2002; 2005; Ontario 2007; MMAH 2010), the City of Kawartha Lakes (2010), and the Otonabee Region Conservation Authority. The proposed development has been assessed for ecological implications under the ARA, ORMCP and PPS.

The natural heritage features of primary interest on the site are two woodland patches that are designated as "Significant Woodlands" (Kawartha Lakes 2010) and, under current policies, need to be protected. Golder is of the opinion that these features are not inherently significant on the basis of their condition, composition and quality. A conservation oriented protection strategy is recommended on the basis of the existing land use patterns in the area as well the current condition and local function of the woodlands. Due to current agricultural use, the edges of the woodlands have adapted to historical exposure to sun and wind. Golder recommends 15 m setbacks from the proposed extraction area as adequate protection. Golder is also of the opinion that removal and post-extraction enhancement of the woodland features on the site is feasible and should be considered by the Ministry and City of Kawartha Lakes. Under that scenario, the entire site could be rehabilitated as woodland, using a mix of native species that would increase the value of the site to wildlife and enhance its ecological contribution to and connectivity with the large area of woodland to the south.

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## VICDOM MANVERS PIT LEVEL 1 AND LEVEL 2 NATURAL ENVIRONMENT TECHNICAL REPORT

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As presently proposed, final rehabilitation of the site will be to restore its potential productivity and return the lands in current agricultural use to that same use following extraction.

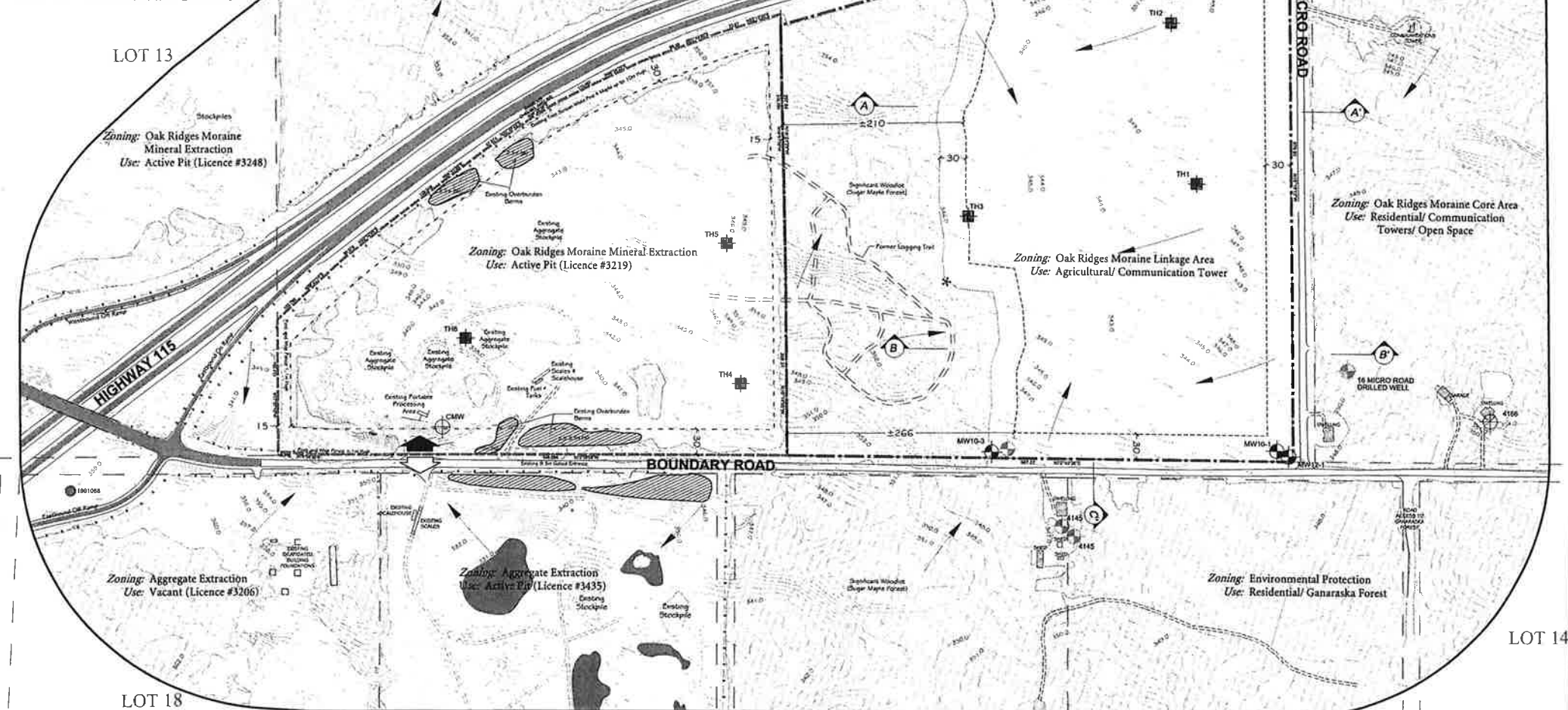
The specific recommendations identified in the report are as follows:

1. A 15 m buffer is required between the extraction limit and the significant woodland units identified in Section 5.1 and shown on Figure 2, herein. This setback will require geotechnically stable slopes, to be determined by a geotechnical analysis, in order to maintain the buffer and prevent erosion. The setbacks between the significant woodlands and the adjacent pit will be staked before extraction begins. The geotechnical analysis will be conducted before extraction reaches 50 m from the staked setback boundary.
2. The internal haul road proposed to link the existing pit with the extension pit shall not be wider than 20 m and shall not be paved.
3. Operational use of the internal haul road shall be restricted to daylight hours.
4. To the extent possible, a phased approach to rehabilitation shall be taken. Progressive rehabilitation of extracted areas will occur by appropriately stabilizing and planting with a short-term cover crop, such as a legume-grass mix, that is compatible with the proposed afteruse of each extracted area, as extraction operations move from one phase to another, as shown on the Site Plans.
5. Following extraction, as discussed in Section 6, any road metal, i.e. gravel placed to improve drivability, on the internal haul road shall be removed and the roadbed shall be de-compacted by subsoiling. Top soil shall be applied to a depth of at least 15 cm and the corridor shall be planted with a mix of native species, including sugar maple (*Acer saccharum*), white birch (*Betula papyrifera*), white ash (*Fraxinus americana*), white pine (*Pinus strobus*) and basswood (*Tilia americana*) and/or any other species acceptable to the Ministry of Natural Resources. To restore the woodland condition, a minimum of 400 whip-sized stems should be planted. Stems should be a minimum of 3 m apart and should be randomly placed, i.e. row planting should be avoided.
6. To ensure that agricultural productivity is restored (Section 6.0), ripping of the pit floor will take place and a minimum depth of 15 cm of top soil will be applied. The restored area will be sown with a grass-legume seed mix to produce a 'green manure' crop that will be ploughed under in the first year of agricultural use to increase the organic content of the soil and improve soil structure. Grain crops, such as wheat or corn, shall be planted in the first few years following restoration to most effectively permit the control of weeds in the restored agricultural field(s).

Well Details									
Well Name	Lot No.	Northings	Eastings	Top of Cap (m)	Well Depth (m)	Maximum Water Level (m)	Minimum Water Level (m)	Water Quantity (m³/day)	Water Quality (m³/day)
MW10-1	Manvers Pit Extension	4883562.3	690111.5	348.63	22.52	326.58	326.14		
MW10-2	Manvers Pit Extension	4884428.4	692552.1	345.30	22.80	317.87	316.31		
MW10-3	Manvers Pit Extension	4883767.5	693558.6	347.24	10.02	330.05	337.22		
MW12-1		N/A	N/A	348.88	33.72	318.11	315.36		
CHW	Manvers Pit	4883570.9	692242.0	345.96	4.89	317.33			
Well 1	Young Pit	4885106.0	692732.0	358.03	N/A	Average 316.34			
Well 2	Young Pit	4882800.0	692288.0	354.54	N/A	316.34			
4142 Boundary Rd	4142	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)
4143 Boundary Rd	4143	4883712.2	692680.5	347.53	N/A	315.63		Highly variable (200 m³)	Highly variable (200 m³)
4144 Boundary Rd	4144	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)
4145 Boundary Rd	4145	4883712.2	692680.5	347.53	N/A	315.63		Highly variable (200 m³)	Highly variable (200 m³)
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4150 Boundary Rd	4150	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)
4151 Boundary Rd	4151	4883712.2	692680.5	347.53	N/A	315.63		Highly variable (200 m³)	Highly variable (200 m³)
4152 Boundary Rd	4152	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)
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4169 Boundary Rd	4169	4883712.2	692680.5	347.53	N/A	315.63		Highly variable (200 m³)	Highly variable (200 m³)
4170 Boundary Rd	4170	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)
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4199 Boundary Rd	4199	4883712.2	692680.5	347.53	N/A	315.63		Highly variable (200 m³)	Highly variable (200 m³)
4200 Boundary Rd	4200	4883700.3	692673.8	347.98	11.45	337.20	336.74	Highly variable and often high	Groundwater (under 1 m depth)

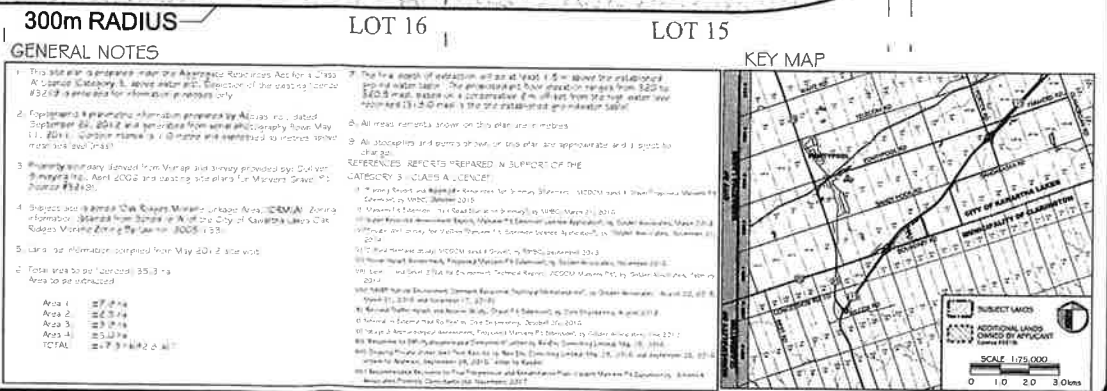
NOTES:  
1. All coordinates are in UTM Zone 18N, datum NAD 83.  
2. All elevations are in meters above sea level.  
3. All distances are in meters.

**CONCESSION 1**  
FORMERLY THE  
TOWNSHIP OF MANVERS  
CITY OF KAWARTHA LAKES



APPENDIX " D (1) "  
to  
REPORT PLAN2019-016  
FILE NO. D06-02-009

**CONCESSION X**  
FORMERLY THE TOWNSHIP OF CLARKE  
MUNICIPALITY OF CLARINGTON  
REGION OF DURHAM



## Existing Features

### Legend

- Proposed Licence Boundary
- Existing Licence Boundary
- Proposed Limit of Extraction
- Existing Extraction Limit
- Existing Building/Structure
- Operational Access
- Existing Pit Face
- Lots and Concession Limits
- Elevation, Contour
- Direction of Surface Drainage
- Monitor Wells
- Proposed Monitor Wells
- Private Monitor Wells
- Off-Site Wells
- Test Holes
- Identified Stick Nest Location (Approximate)
- Existing Vegetation
- Existing Fence
- Existing Overburden Berm
- Internal Haul Road/Field Access
- Existing Driveway
- Existing Pond
- Existing Stockpiles
- Cross Section Reference
- MOE Water Well Record
- Cross Sections

Owner's Certificate: I HEREBY AUTHORIZE MACKINACHTON HERMAN BRITTON CLARKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

DATE: \_\_\_\_\_

AUTHORIZED SIGNING OFFICER  
VICDOM SAND & GRAVEL (ONTARIO) LTD.

Scale 1:2000

0 50 100 150m

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE  
MBBC PLANNING

**PROJECT NAME:**  
**Manvers Pit Extension**

Part of Lot 15,  
Concession 1  
Former Geographic  
Township of Manvers  
City of Kawartha Lakes

**Vicdom Sand & Gravel (Ontario) Ltd**  
3444 Brock Road North  
Box 1358  
Uxbridge, Ontario  
L9P 1N8  
Telephone (416) 796-7861

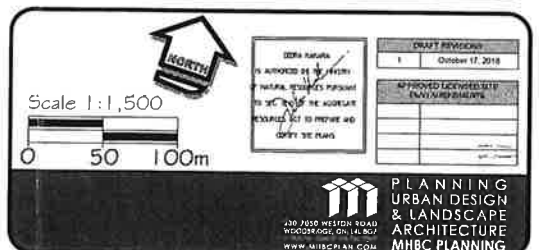
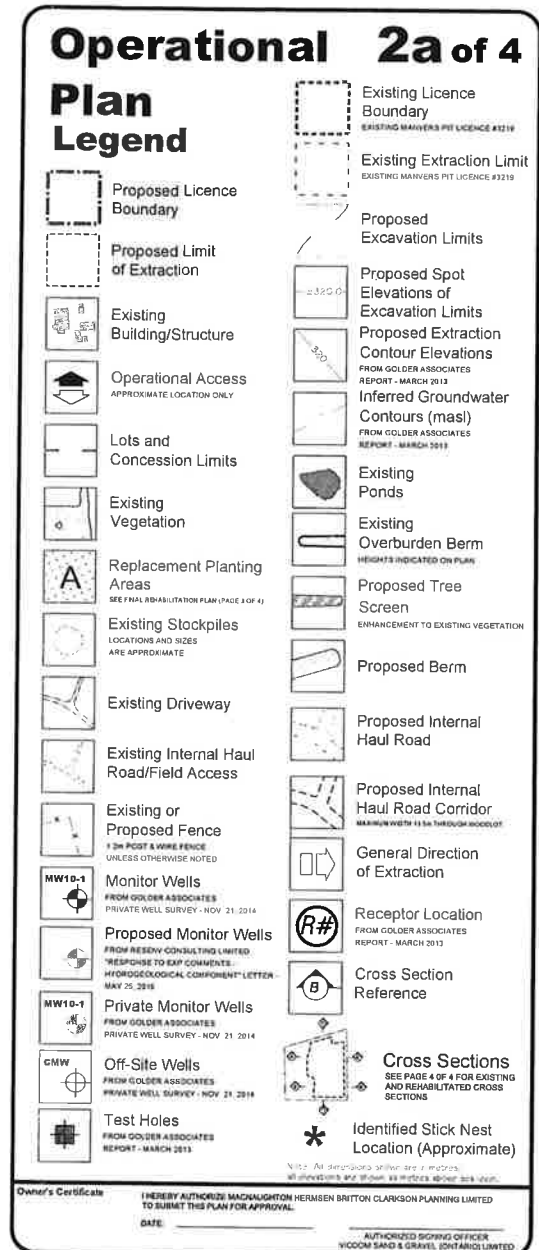
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OCT 25 2018  
City of Kawartha Lakes  
Development Services  
Planning Division



### Detail 'A'

Operational Access Design and Signage Considerations

The diagram illustrates a T-intersection design. A horizontal road on the left meets a vertical road on the right. A 20'x20' island is located at the intersection. A 'Baulking Lane' is shown on the left side of the intersection. A 'Baulking Lane' is also shown on the right side of the intersection. The diagram includes various dimensions and labels for the islands and lanes.



PROJECT NAME: **Manvers Pit Extension**

Part of Lot 15,  
Concession 1  
Former Geographic  
Township of Manvers  
City of Kawartha Lakes

**Vicdom Sand & Gravel (Ontario) Ltd**  
3444 Brock Road North  
Box 1359  
Unbridge, Ontario  
L9P 1N6  
Telephone (416) 798-7551

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OCT 25 2018

ty of Innovation & Development Services  
Planning Division

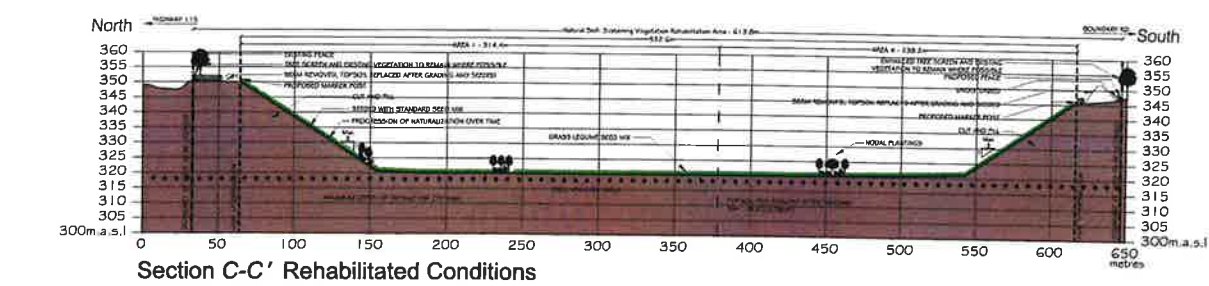
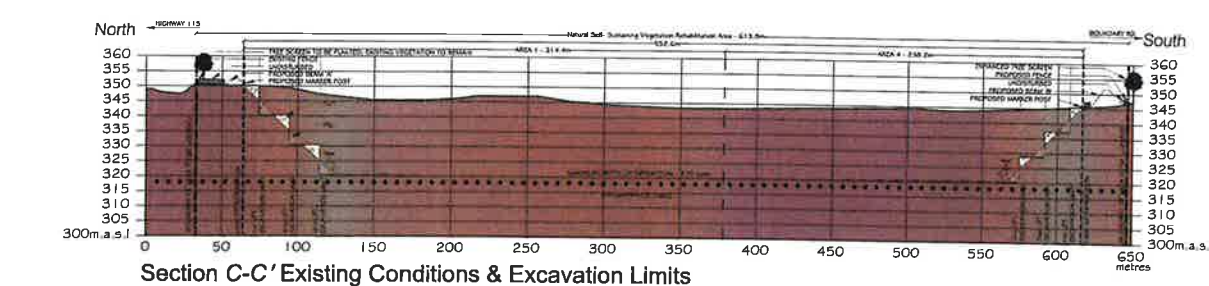
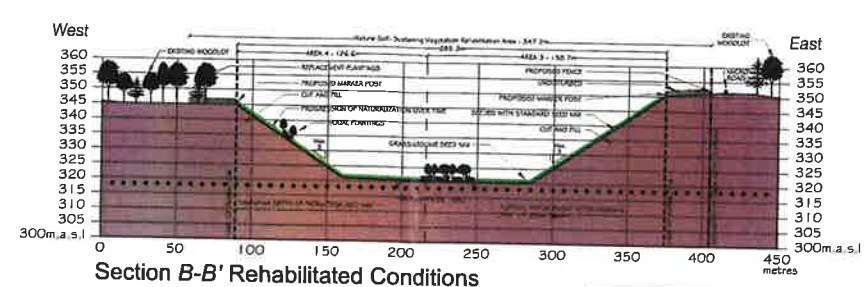
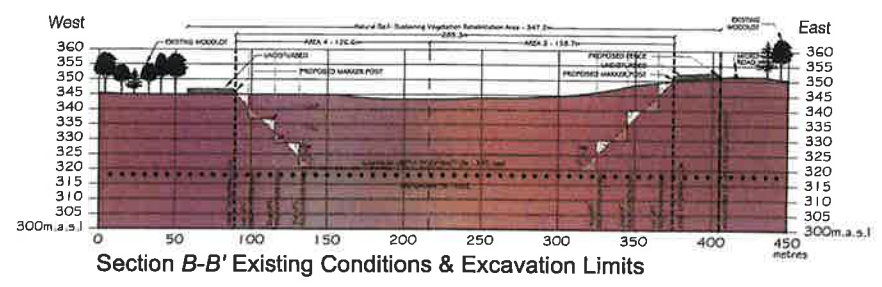
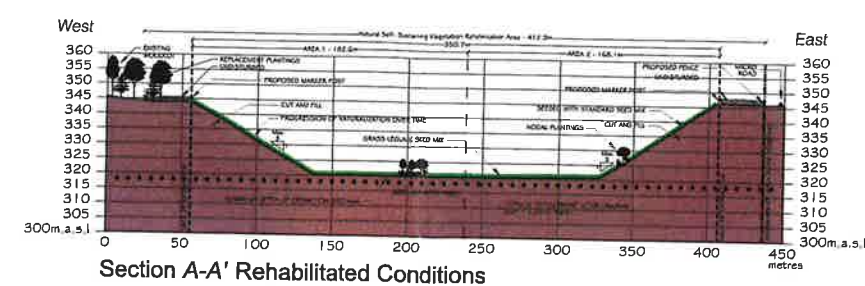
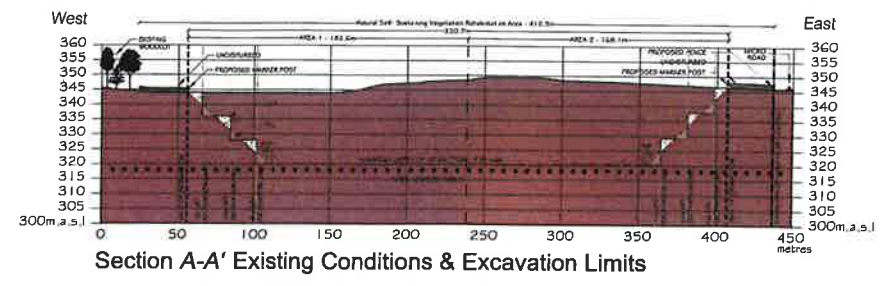




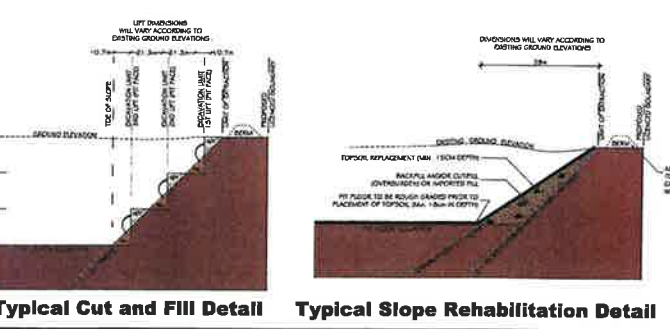




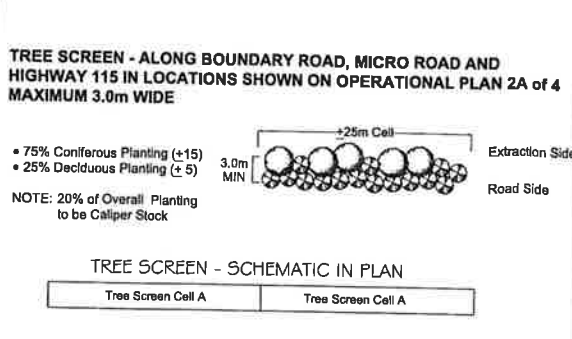
**Cross Sections**  
Vertical Scale 1:750 (2x Exaggeration)  
Horizontal Scale 1:1,500



**Typical Slope Details**  
Vertical Scale 1:750 (2x Exaggeration)  
Horizontal Scale 1:1,500



**Typical Tree Screen Details**  
N.T.S.



**Typical Berm Landscape Requirements**

Berm Letter	Minimum Berm Height	Treatment	Timing of Planting
A	1.0 m Above Existing Grade	Extraction Side	To Be Planted in conjunction with seeding
B	1.0 m Above Existing Grade	Extraction Side	To Be Planted in conjunction with seeding
C	1.0 m Above Existing Grade	Extraction Side	To Be Planted in conjunction with seeding

**Cross Sections**

4 of 4

**Legend**

- Proposed Licence Boundary
- Proposed Excavation Limits
- Vegetation
- Planting Nodes
- Progression of Naturalization Over Time
- Undisturbed
- Proposed Limit of Extraction
- Groundwater Table
- Excavation Slope/Floor
- Area Limits
- Cross Section Locations

APPENDIX "D(5)"  
to  
REPORT PLAN2019-016  
FILE NO. 006-02-009

- Notes:
- Topographic & planimetric information provided by Accura Inc., dated September 26, 2012 and generated from aerial photography flown May 11, 2011. Contour interval is 1.0 metre and expressed as metres above mean sea level (msl).
  - All measurements shown on this plan are in metres.
  - The elevation of the ground water table is relatively flat and stable at approximately 317 msl. Water level elevations have varied from  $\pm 316.1$  msl to  $\pm 318.0$  msl in the pit extension area. The proposed pit floor elevation ranges from 320 to 320.5 msl, based on a conservative 2 m cut set from the high water level recorded (318.0 msl). (Water Resource Assessment, Golder Associates, March 2013)

Owner's Certificate: I HEREBY AUTHORIZE MACNAUGHTON/HUMPHREY CLARKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

Scales: As Shown

RECEIVED  
OCT 25 2018  
City of Kawartha Lakes  
Development Services  
Planning Division

PROJECT NAME: Manvers Pit Extension

Part of Lot 15,  
Concession 1  
Former Geographic  
Township of Manvers  
City of Kawartha Lakes

**VICDOM**  
SAND & GRAVEL

Vicdom Sand & Gravel (Ontario) Ltd  
3444 Brock Road North  
Box 1338  
Uxbridge, Ontario  
L9P 1N6  
Telephone (416) 788-7881



**The Corporation of the City of Kawartha Lakes** REPORT PLAN2019-016

By-Law 2019 - \_\_\_\_\_

FILE NO. D06-02-009**A By-Law To Amend The Corporation of the City of Kawartha Lakes  
Oak Ridges Moraine Zoning By-Law No. 2005-133 To Rezone Land  
Within The City Of Kawartha Lakes**

File D06-02-009, Reports PLAN2014-014 and PLAN2019-016, respecting Concession 1, Part Lots 14 and 15, identified as 4060 Boundary Road –VicDom Sand & Gravel (Ontario) Ltd. /978970 Ontario Inc.

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to rezone the subject lot from the "Oak Ridges Moraine Natural Linkage Area (ORMLA) Zone" to "Oak Ridges Moraine Mineral Extraction Area Exception One (ORMME-1) Zone" to permit a mineral aggregate operation on the subject lands.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Local Planning Appeal Tribunal enacts this By-law 2019-\_\_\_\_\_.**

**Section 1:00 Zoning Details**

1.01 **Property Affected:** The Lands affected by this by-law is described as Concession 1, Part Lots 14 and 15, geographic Township of Manvers, City of Kawartha Lakes, 4060 Boundary Road.

1.02 **Textual Amendment:** By-law 2005-133 of the Corporation of the City of Kawartha Lakes is further amended to add the following section to Section 12:

**"12.3 ORMME Special Zones**

12.3.1 Notwithstanding Section 6.9, a mineral aggregate operation shall be permitted on land zoned ORMME-1.

12.3.2 Notwithstanding Section 6.10, a 13.5 m wide unpaved haul road shall be permitted on land within the significant woodland unit, identified on Schedule F, as amended by Schedule 'B' to this By-law, that straddles Part Lots 14 and 15, Concession 1, south of Highway 115 and north of Boundary Road.

12.3.3 Notwithstanding Section 5.12(b)(ii), a parking lot shall be permitted on land within Part Lot 14, Concession 1, located south of Highway

115 and north of Boundary Road, that serves an aggregate operation use located on the abutting land within Part Lot 15, Concession 1, located south of Highway 115 and north of Boundary Road.

12.3.4 Notwithstanding Section 12.3.1, a mineral aggregate operation is not permitted until the Ministry of Natural Resources and Forestry has issued a license.”

1.03 **Schedule Amendment:** The following Schedules to By-law 2005-133 of the Corporation of the City of Kawartha Lakes are further amended as follows:

- i. Schedule ‘A’ to By-law 2005-133 of the Corporation of the City of Kawartha Lakes is further amended to change the zone category from the “Oak Ridges Moraine Linkage Area (ORMLA) Zone” to the “Oak Ridges Moraine Mineral Extraction Area Exception One (ORMME-) Zone” for the land referred to as ‘ORMME-1’, as shown on Schedule ‘A’ attached to this By-law.
- ii. Schedule ‘F’ to By-law 2005-133 of the Corporation of the City of Kawartha Lakes is further amended to refine the ‘Significant Woodland’ boundary and 30 m buffer area for the land referred to as ‘ORMME-1’, as shown on Schedule ‘B’ attached to this By-law.

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

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

By-law approved by the Local Planning Appeal Tribunal this \_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

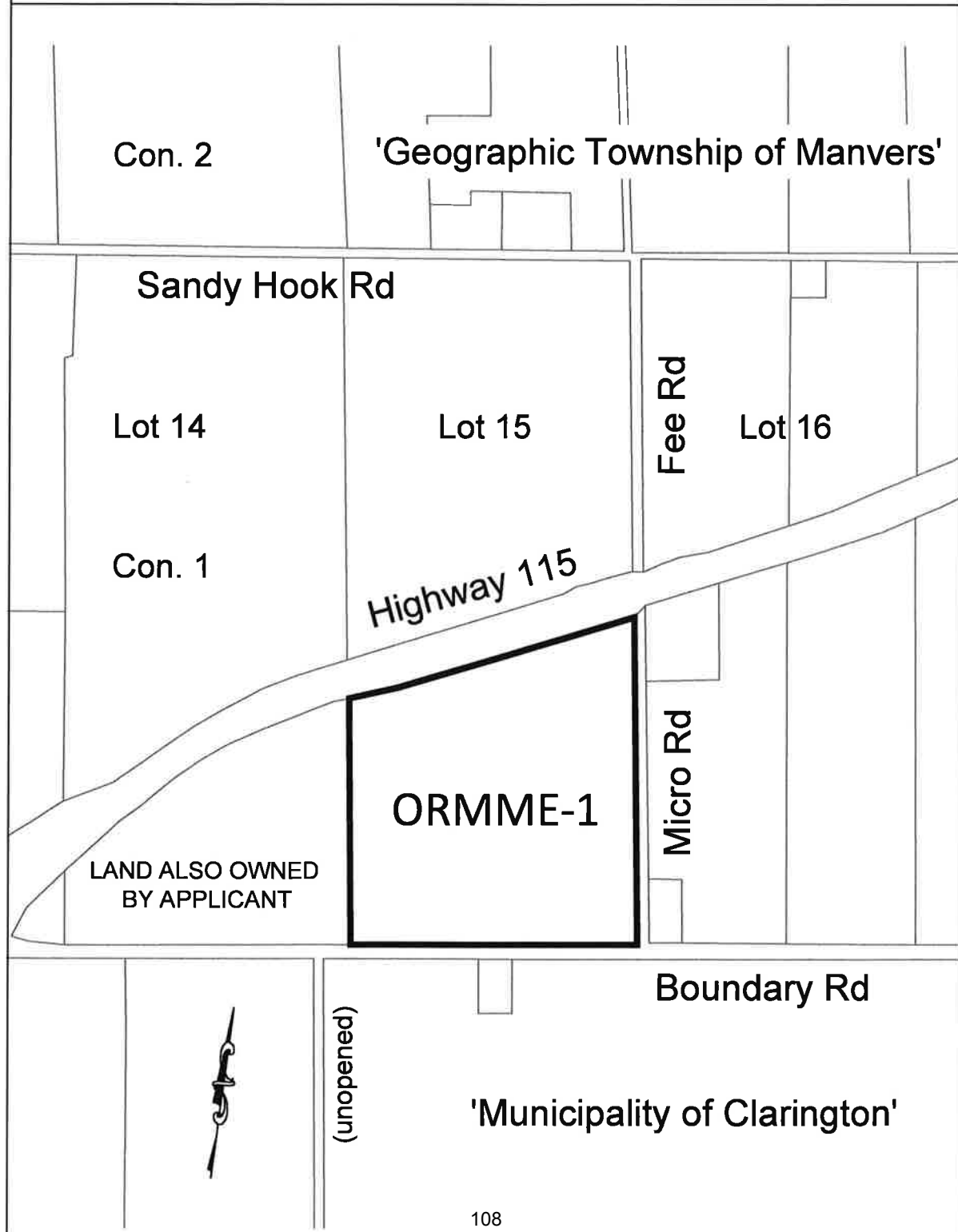
# KAWARTHA LAKES

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

APPROVED by LOCAL PLANNING APPEAL TRIBUNAL

Issued on \_\_\_\_\_ as Decision/Order No: \_\_\_\_\_

under file MM160055 and PL171517



THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'B' TO BY-LAW \_\_\_\_\_

APPROVED by LOCAL PLANNING APPEAL TRIBUNAL

Issued on \_\_\_\_\_ as Decision/Order No: \_\_\_\_\_

under file MM160055 and PL171517

