

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2019-03

Thursday, March 21, 2019

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Emmett Yeo

David Marsh

Andre O'Bumsawin

Sandra Richardson

Lloyd Robertson

Steve Strathdee

Accessible formats and communication supports are available upon request.

1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-02.2.3.1 February 21, 2019 Committee of Adjustment Meeting Minutes	6 - 17
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2019-014 Ian Walker, Planning Officer, Large Developments File Number: D20-2019-007 Location: 7843 Highway 35 Part Lot 11, Concession 11 Geographic Township of Laxton Owner: 8536945 Canada Inc. Applicant: Nitin Malhotra of N Architecture Inc.	18 - 39
3.1.2	COA2019-018 David Harding, Planner II File Number: D20-2019-010 Location: 159 Shadow Lake Road 3 Lot 10, Concession 11, Part Lot 6, Plan 525 Geographic Township of Laxton Owner: Hormoz Sherkat	40 - 49

3.1.3	COA2019-019	50 - 63
	David Harding, Planner II File Number: D20-2019-011 Location: 133 Oakdene Crescent Lot 3, Plan 354 Geographic Township of Mariposa Owners: Idele and Rod Hynes	
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	Quadri Adebayo, Planner II File Number: D20-2019-012 Location: 14-Fifth Street Part Lot 100, Plan 73 Former Village of Sturgeon Point Owner: Norman Howard Applicant: Kevin Clynch Ltd.	
3.1.5	COA2019-021	78 - 92
	Quadri Adebayo, Planner II File Number: D20-2019-013 Location: 268 Pigeon Creek Road Part of Lot 5, Concession 12 Geographic Township of Manvers Owners: Bradley and Donna Cannon and Terry Robbins	
3.2	Consents	
3.2.1	COA2019-015	93 - 135
	Janet Wong, Planner II File Number: D03-16-015 Location: 305 St. Luke's Road Lot 6, Concession 10 Geographic Township of Emily Owners: Robert and Shari Carroll Applicant: EcoVue Consulting Services Inc. (Ken Hurford)	

3.2.2	COA2019-015	136 - 178
	Janet Wong, Planner II File Number: D03-16-016 Location: 305 St. Luke's Road Lot 6, Concession 10 Geographic Township of Emily Owners: Robert and Shari Carroll Applicant: EcoVue Consulting Services Inc. (Ken Hurford)	
3.2.3	COA2019-015	179 - 221
	Janet Wong, Planner II File Number: D03-16-017 Location: 305 St. Luke's Road Lot 6, Concession 10 Geographic Township of Emily Owners: Robert and Shari Carroll Applicant: EcoVue Consulting Services Inc. (Ken Hurford)	
3.2.4	COA2019-015	222 - 264
	Janet Wong, Planner II File Number: D03-16-018 Location: 305 St. Luke's Road Lot 6, Concession 10 Geographic Township of Emily Owners: Robert and Shari Carroll Applicant: EcoVue Consulting Services Inc. (Ken Hurford)	
4.	Deferred Applications	
4.1	Minor Variances	
4.1.1	COA2019-010	265 - 268
	Quadri Adebayo, Planner II File Number: D20-2019-003 Location: 23 Westview Drive Part Lot 17, Concession 8 Geographic Township of Emily Owner: Betty Ann Oliver	
4.2	Consents	

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, April 18, 2019 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

The Corporation of the City of Kawartha Lakes
Minutes
Committee of Adjustment Meeting

COA2019-02
Thursday, February 21, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Emmett Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Lloyd Robertson
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair Robertson called the meeting to order at 1:02pm. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin, S. Richardson, and S. Strathdee were in attendance.

Acting Secretary-Treasurer - M. LaHay
Recording Secretary - C. Crockford-Toomey

2. Administrative Business

2.1 Adoption of Agenda

February 21, 2019
Committee of Adjustment Agenda.

Moved By S. Richardson

Seconded By E. Yeo

That the agenda for the February 21, 2019 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2019-01.2.3.1

January 17, 2019
Committee of Adjustment Meeting Minutes

Moved By E. Yeo

Seconded By S. Strathdee

That the minutes for the previous meeting held January 17, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-008

Quadri Adebayo, Planner II
 File Number: D20-2019-001
 Location: 379 Ballyduff Road
 Part Lot 7, Concession 6, Part 1, RP 57R-8068
 Geographic Township of Manvers
 Owners: Adam and Amanda Milson
 Applicant: Brandon Cambareri

Mr. Adebayo summarized Report COA2019-008, to request to reduce the minimum rear yard setback in order to permit an accessory structure (a steel framed storage building) in its current location. The application originated from an enforcement notice through the Building Division. The application meets the four tests set out in Section 45(1) of the Planning Act.

The Committee asked staff if the owner's are aware of the prohibited storage uses for the accessory building. Staff replied no I am not aware if they know. The Committee also questioned Condition 2, regarding the accessory building situation. Staff replied it was built without a permit. The decision made today will close the enforcement file. If the application is granted, the applicant will take the decision to the building official for confirmation.

The applicant, Brandon Cambareri was present.

The Committee asked the applicant as to why the accessory structure was built in the first place. Mr. Cambareri responded by saying it was intended as a temporary structure. However, the building inspector advised it was too large to be a temporary building. The applicant also added that they do not intend to concrete the floor of the building. The building will only function as a storage use.

The Committee had no further questions for the applicant.

Jane Marnoch of 351 Ballyduff Road spoke and advised she was in support of the application.

No other persons spoke to the application.

Moved By D. Marsh
Seconded By S. Strathdee

That minor variance application D20-2019-001 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-008, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 3) **That** the Building Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

This approval pertains to the application as described in report COA2019-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2019-009

David Harding, Planner II
 File Number: D20-2019-002
 Location: 132 Charlore Park Drive
 Lot 2, Plan 331
 Geographic Township of Emily
 Owners: Meri Shepheard and Timothy Deel

Mr. Harding summarized Report COA2019-009. The purpose and effect is to permit the construction of an addition to a single detached dwelling inclusive of a

deck and to recognize the construction of two cabins and recognize the construction of a pool and deck.

The Committee asked if permits were issued for the two cabins. Staff replied permits were issued for two sheds; however two cabins were built instead and not placed in conformity with the zoning by-law.

The Committee questioned if the cabins were inspected by the Building Division. Staff replied that inspection did not occur as it was the responsibility of the applicant to contact the Building Division to schedule inspections.

One of the owners, Timothy Deel was present and spoke to the Committee. Through their recent conversations with City staff, they have realized that the cabins are not complying have applied for variances to legalize them. He stated that it would be difficult to move them. He stated that he is willing to remove the beds and use them as storage sheds. He further stated that neither cabin have septic or water connections. The cabins have been there for 14 years and no one has complained, and there are many buildings constructed since 1963 that are close to the water.

In support of the application, Ron Booth, property owner adjacent to 132 Charlore Drive, spoke to the Committee regarding how beautiful the property is kept and that he had no problems with the cabins.

No other persons spoke to the application.

The Committee asked staff if there were any encroachment issues, what would be needed to approve the current placement of the cabins as sheds instead.

Staff responded that there were no encroachment issues, and that as sheds are subject to different zone provisions than cabins, that cabin 2 would need to be relocated to comply with the 1 metre interior side yard setback required of other accessory buildings.

The Committee motioned to approve the application with revisions to Conditions 1, 2, 3 and 5, and that the minor variance application meets the four tests.

Moved By D. Marsh

Seconded By E. Yeo

That minor variance application D20-2019-002 be GRANTED, as the application as determined by the Committee of Adjustment meets the tests set out in Section 45(1) of the Planning Act:

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-009, which shall be attached to and form part of the Committee's Decision,
- 2) **That** the owners acquire the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the buildings and structures granted by this variance approval,
- 3) **That** the applicant obtain any requisite Remediation Agreements from Kawartha Conservation Compliance staff,
- 4) **That** as part of the permissions process pursuant to Ontario Regulation 182/06, the owners work with Kawartha Conservation Compliance and Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer as compensation for the encroachment into the 30 metre fish habitat buffer,
- 5) **That** prior to the issuance of a building permit for the addition to the single detached dwelling, the owners shall submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that any outstanding building permit issues with Cabin 1 and Cabin 2 have been rectified; and
- 6) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 Memorandum D20-2019-003

Quadri Adebayo, Planner II
 File Number: D20-2019-003
 Location: 23 Westview Drive
 Part Lot 17, Concession 8

Geographic Township of Emily
Owner: Betty Ann Oliver

Mr. Adebayo spoke to a Memorandum provided to the Committee of Adjustment recommending deferral. This was with respect to application D20-2019-003 to request relief to reduce the minimum side yard setback for an accessory structure in order to permit a hot tub room in its current location. On February 11, 2019 during preparation of staff report, it was discovered that a second relief for a water setback was missed when the application was advertised.

Moved By S. Richardson

Seconded By E. Yeo

That Minor Variance application D20-2019-003 be deferred until the next Committee meeting on March 21, 2019, in order to enable the application to be properly advertised with the inclusion of the water setback relief.

Carried

3.1.4 COA2019-011

David Harding, Planner II

File Number: D20-2019-004

Location: 221 Francis Street East, Part Lot 21, Concession 11, Part 2, 57R-2234

Geographic Township of Fenelon

Owner: Nancy MacDonald

Applicant: Adam Hayter

Mr. Harding summarized Report COA2019-011. The purpose and effect is to permit the construction of a detached garage. The application is a result of a Building Division enforcement matter. In June of 2017, the applicant applied for a building permit; however it could not be issued because the zoning by-law does not permit the construction of accessory buildings in a front yard. On February 20, 2019, the Building Division became aware that the garage was constructed without a permit. A pre-screening application was submitted March 2018. The Planning Division's request for a meeting in May 2018 went unanswered, resulting in the Building Division placing a compliance order in November 2018. The pre-screening meeting took place in December 2018.

The applicant, Mr. Adam Hayter was present.

The Committee asked the applicant if he had a permit for the garage. Mr. Hayter replied, that it was not in his possession but that he thought one had been issued. He stated that his office had called for an inspection and an inspector had attended the site.

The Committee stated that a meeting was arranged last May of which neither applicant nor owner replied, and the Building Division had clarified that no permit had been issued.

Mr. Hayter asked Committee if the treatments being sought to the building were necessary.

The Committee asked staff if the building treatments being sought now would have been the same treatments sought if the building had not been constructed.

Staff replied that the treatments being sought now would have been sought prior to the building's construction.

The Committee took into consideration the information and discussed deferring the application to permit additional communication between staff, the applicant, and owner.

In opposition of the application, Judy Currie was present and spoke. She expressed surprise that a prominent local company built without permits.

No other persons spoke to the application.

Moved By D. Marsh

Seconded By S. Strathdee

That Minor Variance application D20-2019-004 be deferred for a period not to exceed three months to provide the owner sufficient time to communicate with the Building Division regarding the timeline of events and also to contact the Planning Division to discuss a visual concept plan.

Carried

3.1.5 COA2019-012

David Harding, Planner II

File Number: D20-2019-005

Location: 31 Peel Street

Part Lot 8, South of Peel Street, Plan 1, Parts 1 and 2, 57R-5220

Former Town of Lindsay
 Owner: John Howard Society
 Applicant: Lois Powers - Executive Director, JHSCKL

Mr. Harding summarized Report COA2019-012, to permit a Crisis Care Residence use on the same floor as a commercial use. The effect is to permit the partial conversion of a main floor commercial use (office) to a Crisis Care Residence use. Two accessible bedrooms and an accessible washroom on the main floor.

The Committee questioned the 24 month timeline to complete the minor variance. Staff replied timelines are decided through direction with the Building Division.

The applicant, Shannon Speir, assistant executive director, JHSCKL, was present and spoke. Ms. Speir went on to say they propose to put two bedrooms on the main floor as they currently have stairs.

The Committee had no further questions. No other persons spoke to the application.

Moved By S. Strathdee
Seconded By A. O'Bumsawin

That minor variance application D20-2019-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variance proceeds generally in accordance with the plans submitted in Appendix D to Report COA2019-012 which show that the office and crisis care uses are able to interact with one another through their use of common spaces. This appendix shall be attached to Committees' Decision.
- 2) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-012. Fulfillment of all the conditions are required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2019-013

Quadri Adebayo, Planner II
File Number: D20-2019-006
Location: 17 King Street East
Part Lots 10 and 11, Range 6E, Plan 70
Former Village of Bobcaygeon
Owner: George and Gail Leaver Holdings Inc.
Applicant: TD Consulting Inc. - Tom deBoer

Mr. Adebayo summarized Report COA2019-013, to request relief to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order to facilitate additions to an exiting restaurant business, consisting of two seasonal patios (front and rear of building), and supplementary seating in a banquet room on the lower level of the building.

The Committee questioned the current parking situation on the property, on street parking and accessible parking.

The applicant, Mr. Tom deBoer of TD Consulting Inc. was present and spoke to the Committee. There is no accessible parking space on the property as the By-law does not have provision for it. The restaurant will be accessible with the two seasonal patios at the front and rear of the building. The lower level of the building will also be accessible. The owner has an agreement with the neighbour for extra parking as well as an agreement with other businesses for offsite parking during the busy season. There is a ramp at the front of the restaurant and an accessible parking space on the main street in front of the restaurant. It is possible to put an accessible parking space by the storage building on the property. Portions of the existing parking stalls encroach on the adjacent property, 77 William Street.

The Committee questioned the easement agreement and offsite parking.

Neighbour, Chetay Kumar Patel, owner of the dry cleaners, 77 William Street, was present. He stated he had one conversation with the owner of the restaurant and did not enter into an agreement.

No other persons spoke to the application.

The Committee motioned to defer the application after discussing the issues with parking and arrangements with the adjacent property owner.

Moved By D. Marsh

Seconded By A. O'Bumsawin

That Minor Variance application D20-2019-006 be deferred for a period not to exceed two months to provide the owner sufficient time to supply the City with supplementary information including an amended proposal, and to ensure the amended proposal can be adequately received for supportability by staff.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, March 21, 2019 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

Moved By D. Marsh

Seconded By S. Strathdee

That the meeting be adjourned at 3:54pm.

Carried


 Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 8536945 Canada Inc.
Report Number COA2019-014

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 –Geographic Township of Laxton

Subject: The purpose and effect is to request permission and relief from the following provisions in order to permit the replacement of the existing motor vehicle gasoline bar and accessory convenience store use with a larger accessory convenience store, a restaurant and a dwelling unit:

1. Section 11.1 to allow an approximately 100.0 square metre footprint expansion to the legal non-conforming convenience store use from 53.49 square metres to 153.0 square metres;
2. Section 11.2 d. to reduce the north side yard setback from 12.0 metres to 10.1 metres;
3. Section 11.2 e. to reduce the rear yard setback from 12.0 metres to 11.9 metres; and
4. Section 18.13 b. v. to reduce the number of required parking spaces from 18 to 17.

The variances are requested at 7843 Highway 35, geographic Township of Laxton (File D20-2019-007).

Author: Ian Walker, Planning Officer – **Signature:**
Large Developments

Recommendations:

Resolved That Report COA2019-014 8536945 Canada Inc., be received;

THAT minor variance application D20-2019-007 be GRANTED, as the application meets the tests set out in Section 45(1) and Section 45(2) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix 'C' submitted as part of Report COA2019-014, which shall be attached to and form part of the Committee's Decision; and

- 2) **That** the Site Plan Agreement for the subject property be executed and registered on title within twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon registration of the Site Plan Agreement on title.

This approval pertains to the application as described in report COA2019-014. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

The applicant proposes to demolish the existing motor vehicle gasoline bar and convenience store kiosk, known as the Congo gas bar, and to construct a new 8 pump motor vehicle gasoline bar with a one storey convenience store, restaurant, and attached dwelling unit. Staff have discussed alternatives for the convenience store use variance with the applicants regarding their proposal (see Other Alternatives Considered).

This application was last amended February 7, 2019.

Proposal:	To construct an 8 pump motor vehicle gasoline bar with associated one storey building containing a restaurant, an approximately 153.0 square metre convenience store, and an attached dwelling unit with a total of 17 parking spaces for all uses.		
Owner:	8536945 Canada Inc.		
Legal Description:	7843 Highway 35, Part Lot 11, Concession 11, geographic Township of Laxton, City of Kawartha Lakes		
Official Plan:	Rural within the City of Kawartha Lakes Official Plan		
Zone:	Highway Commercial (C2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83		
Site Size:	3,716.12 square metres (40,075 square feet – MPAC)		
Site Servicing:	Private individual well and septic systems		
Existing Uses:	Motor Vehicle Gasoline Bar		
Adjacent Uses:	North, South, West:	Vacant (Forest)	
	East:	Highway 35; Vacant (Forest)	

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated in a rural area north of Norland, with no other development abutting this property. This specific parcel is surrounded by vacant wooded rural lands to the north, south and west, and bounded by Highway 35 on the east. The parcel east of Highway 35 is also vacant wooded rural lands.

The subject property currently contains an aging motor vehicle gasoline bar, which is proposed to be demolished with the original fuel tanks being removed and replaced with new ones complying with current Technical Standards and Safety Authority (TSSA) standards. As part of the reconstruction and replacement of tanks, the owner will need to apply to the TSSA for a license, and submit an appropriate environmental assessment report to ensure the site meets the current guidelines for potential contamination. If any contamination has occurred on this site from the current fuel tanks, the site will be rehabilitated and brought up to current standards as part of this development.

The proposed variances will result in a new development which will service the travelling public and local area by providing gasoline, a convenience store, and a restaurant (Pizza Pizza). The dwelling unit will likely provide an opportunity for an employee of the restaurant or commercial use to live on site. The traffic consultant, TranPlan, has indicated that the variance to reduce the parking from 18 spaces to 17 spaces would not create a traffic issue. They had anticipated that 16 spaces would be sufficient for all uses, and provided 5 comparative motor vehicle gasoline bars in similar scenarios, all fronting on Ministry of Transportation Ontario (MTO) highways, having 16 or less parking spaces.

The rear yard setback is a reduction of approximately 1% (0.1 metres), and the side yard setback is a reduction of approximately 16% (1.9 metres). Both are required, as the site is fairly constrained in area, and the MTO requires a minimum 14 metre setback from the front lot line. The variance to allow the expansion of the legal non-conforming convenience store use is minor, as the use is established, and is typical of modern-day gasoline bars. Since the current Zoning By-law came into effect circa 1983, the variances will permit a modern operation on the property.

The development still complies with the maximum lot coverage provisions of the By-law.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The Highway Commercial (C2) Zone permits a range of commercial uses, including: automobile service stations and motor vehicle gasoline bars; restaurants; retail sales with indoor and/or outdoor display of products and

indoor servicing of motor vehicles, recreational vehicles, etc.; retail sales of major appliances, furniture, etc.; hotels, motels, or motor hotels; and also permits a dwelling unit. No zone category expressly permits a convenience store use, nor does the By-law define it. As the site has a number of constraints and large setbacks, the development envelope is reduced. The proposed design will result in minor setback reductions to the north side lot line and west rear lot line setbacks. There is still a significant distance (greater than 10 metres) between the proposed building and the abutting property. Section 18.11 a. of the By-law allows for legal non-conforming uses. This application will allow for the expansion of the convenience store use. The By-law requires off-street parking for all uses. Based on the traffic study, the reduction of parking by 1 space will still maintain the intent of the By-law.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan? Yes

The property is designated Rural within the City of Kawartha Lakes Official Plan. Section 34 of the Official Plan allows for the recognition of existing uses on a property. The C2 zone permits the motor vehicle gasoline bar, restaurant, and dwelling unit uses. The Official Plan allows rezoning of a property to recognize existing uses. Therefore, a minor variance to expand a legal non-conforming use can accomplish the same intent.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff originally discussed a rezoning with the applicant, to permit the convenience store use as a right within the Zoning By-law, prior to filing for Site Plan Approval. The applicant demonstrated that the convenience store use was established on the property as a legal non-conforming use. As such, staff considered that the applicant could pursue an application to expand the legal non-conforming use under Section 45(2) of the Planning Act.

Servicing Comments:

The property is serviced by a private individual septic system which will be replaced with a new private individual septic system, and a private individual well.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Ministry of Transportation Ontario (February 4 and 7, 2019): Provided comments on recent site plan submission, confirmed no issues with proposed variances.

Building Division – Part 8 Sewage System Program (February 5, 2019): No issues.

Kawartha Conservation (February 6, 2019): Not regulated by Kawartha Conservation, have reviewed natural heritage and natural hazard features, no objections to proposed variances.

Engineering and Corporate Assets Department (February 11, 2019): No objection and no engineering comments related to the proposed variances.

Technical Standards and Safety Authority (March 1, 2019): The applicant will be required to apply for a TSSA license and submit a site plan for review for the new gas bar, and will need to submit an environmental assessment report once the current underground tanks and piping are removed. TSSA will review for compliance with Ministry of the Environment, Conservation and Parks (MECP) guidelines.

Building Division (March 7, 2019): No concerns.

Public Comments:

Alan Percy on behalf of 821798 Ontario Inc. (February 21, 2019): Requested a notice of decision, and advised his only concern is potential contamination on the abutting property from the existing fuel tanks.

Attachments:



Appendices A-D to
Report COA2019-014

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1368
E-Mail:	iwalker@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-007

Geographic Township of Laxton

APPENDIX "A"
to
REPORT COA2019-014
FILE NO. D20-2019-007

Lot 12

Concession 10

Concession 11

Lot 11

SUBJECT
LAND

Laxton Twp 10th Line

Highway #35

Lot 10



APPENDIX " B "
to
REPORT COA2019-014
FILE NO. D20-2019-007



Legend

- ☐ Property ROLL#
- ☐ Lots and Concessions
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

Notes

0.06

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



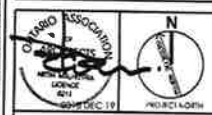
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

D20-2019-1007

FILE NO.



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1991 DEC 19
ISSUED FOR COFA

3	2018 DEC 19	ISSUED FOR SPA - II	JY
2	2018 DEC 19	ISSUED FOR COFA	JY
1	2018 AUG 14	ISSUED FOR SPA I	JY

No. Date Version Dwn.

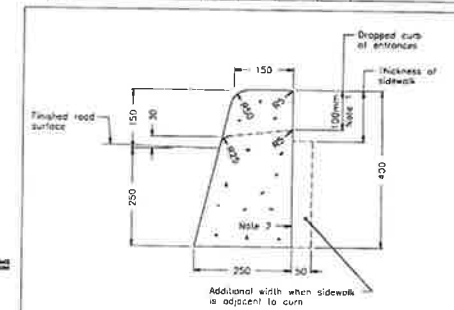
PROJECT:
**PROPOSED ADDITION/
ALTERATIONS TO EXISTING
GAS STATION**
7843 HWY 35 NORTH, CITY OF
KAWARTHA LAKES, ON

DRAWING TITLE:

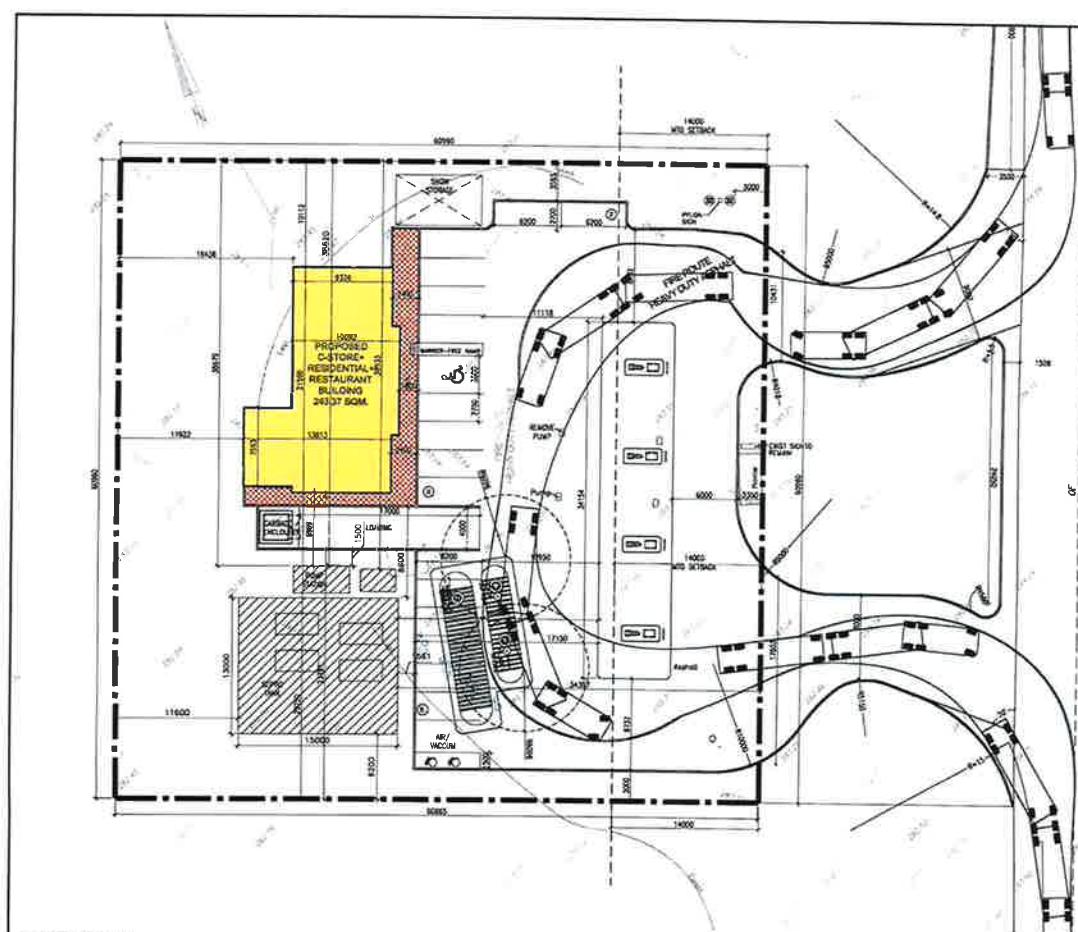
SITE PLAN

DRAWN BY: JY	DATE: 22 OCTOBER 2017
CHECKED BY: NW	SCALE: AS SHOWN
PROJECT NO:	DRAWING NO:
17-79	A-1.0

NAME OF PROJECT: C-STORE + RESTAURANT + RESIDENTIAL			
LOCATION: 7843 HWY 35 NORTH, CITY OF KAWARTHA LAKES, ON			
ITEM	ONTARIO BUILDING CODE DATA MATRIX	OBC REFERENCE	
1	PROJECT DESCRIPTION: () NEW () ADDITION () ALTERATION	SECTION 2	SECTION 2
2	MAJOR OCCUPANCY GROUP: () CHANGED USE	1.1.2.0	1.1.2.0
3	BUILDING AREA (sq. ft.)	1.1.2.1	1.1.2.1
4	COVERED AREA (sq. ft.)	1.1.2.2	1.1.2.2
5	NUMBER OF STORIES ABOVE GRADE: 1	1.1.2.3	1.1.2.3
6	NUMBER OF EXISTING FLOOR AREAS: 1	1.1.2.4	1.1.2.4
7	BUILDING CLASSIFICATION: 3.2.2.1 (GROUP 1 - up to 1 story)	3.2.2.1	3.2.2.1
8	SEPARATE SYSTEM PROVIDED: () SEPARATE BUILDING () SELECTED FLOOR AREAS () INDICATED IN USE OF ROOM SCHED	3.2.2.2	3.2.2.2
9	SEISMIC REQUIRED: () YES () NO	3.2.2.3	3.2.2.3
10	FIRE ALARM REQUIRED: () YES () NO	3.2.2.4	3.2.2.4
11	WATER SUPPLY/STORAGE IS AVAILABLE: () YES () NO	3.2.2.5	3.2.2.5
12	HIGH BUILDING: () YES () NO	3.2.2.6	3.2.2.6
13	PERMITTED CONSTRUCTION OF CONVEYABLE CHIMNEYS/STAIRS: () YES () NO	3.2.2.7	3.2.2.7
14	ACTUAL CONSTRUCTION: () CONVEYABLE CHIMNEYS/STAIRS () NON-CONVEYABLE CHIMNEYS/STAIRS	3.2.2.8	3.2.2.8
15	OCCUPANT LOAD BASED ON: () 1 ST. FLOOR () 2 ST. FLOOR () 3 ST. FLOOR	3.2.2.9	3.2.2.9
16	WORKPLACE DESIGN: () YES () NO () NO COMPLIANCE	3.2.2.10	3.2.2.10
17	DESIGNATED SUPPLEMENT: () YES () NO	3.2.2.11	3.2.2.11
18	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.12	3.2.2.12
19	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.13	3.2.2.13
20	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.14	3.2.2.14
21	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.15	3.2.2.15
22	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.16	3.2.2.16
23	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.17	3.2.2.17
24	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.18	3.2.2.18
25	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.19	3.2.2.19
26	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.20	3.2.2.20
27	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.21	3.2.2.21
28	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.22	3.2.2.22
29	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.23	3.2.2.23
30	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.24	3.2.2.24
31	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.25	3.2.2.25
32	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.26	3.2.2.26
33	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.27	3.2.2.27
34	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.28	3.2.2.28
35	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.29	3.2.2.29
36	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.30	3.2.2.30
37	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.31	3.2.2.31
38	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.32	3.2.2.32
39	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.33	3.2.2.33
40	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.34	3.2.2.34
41	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.35	3.2.2.35
42	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.36	3.2.2.36
43	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.37	3.2.2.37
44	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.38	3.2.2.38
45	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.39	3.2.2.39
46	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.40	3.2.2.40
47	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.41	3.2.2.41
48	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.42	3.2.2.42
49	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.43	3.2.2.43
50	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.44	3.2.2.44
51	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.45	3.2.2.45
52	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.46	3.2.2.46
53	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.47	3.2.2.47
54	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.48	3.2.2.48
55	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.49	3.2.2.49
56	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.50	3.2.2.50
57	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.51	3.2.2.51
58	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.52	3.2.2.52
59	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.53	3.2.2.53
60	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.54	3.2.2.54
61	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.55	3.2.2.55
62	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.56	3.2.2.56
63	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.57	3.2.2.57
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66	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.60	3.2.2.60
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69	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.63	3.2.2.63
70	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.64	3.2.2.64
71	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.65	3.2.2.65
72	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.66	3.2.2.66
73	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.67	3.2.2.67
74	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.68	3.2.2.68
75	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.69	3.2.2.69
76	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.70	3.2.2.70
77	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.71	3.2.2.71
78	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.72	3.2.2.72
79	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.73	3.2.2.73
80	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.74	3.2.2.74
81	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.75	3.2.2.75
82	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.76	3.2.2.76
83	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.77	3.2.2.77
84	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.78	3.2.2.78
85	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.79	3.2.2.79
86	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.80	3.2.2.80
87	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.81	3.2.2.81
88	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.82	3.2.2.82
89	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.83	3.2.2.83
90	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.84	3.2.2.84
91	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.85	3.2.2.85
92	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.86	3.2.2.86
93	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.87	3.2.2.87
94	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.88	3.2.2.88
95	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.89	3.2.2.89
96	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.90	3.2.2.90
97	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.91	3.2.2.91
98	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.92	3.2.2.92
99	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.93	3.2.2.93
100	DESIGNATED FIRE RESISTANCE RATING: () YES () NO	3.2.2.94	3.2.2.94

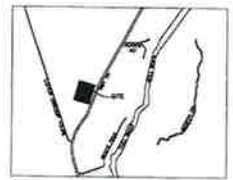


ONTARIO PROVINCIAL STANDARD DRAWING		Nov 2012	Rev 3
CONCRETE BARRIER CURB		OPSD 600.110	



THE KING'S HIGHWAY NO. 35
(By Plan 57R-5322)
(Formerly The Cameron Road)

NOTE:
EXISTING BUILDING SHALL BE REMOVED, EXCEPT FOR EXISTING FOUNDATION AND EXISTING 1ST FLOOR EXISTING FOUNDATION AND EXISTING FOUNDATION OF THE 1ST FLOOR.



2 KEY PLAN
A-1.0 SCALE: NTS

1 SITE PLAN
A-1.0 SCALE: 1:200

PARKING CALCULATION		
	REQUIRED	PROPOSED
C-STORE (1 @ 3050sq.m)	5.1	5
RESIDENTIAL (2 @ 550sq.m)	2	2
RESTAURANT (1 @ 550sq.m)	10.9	10
TOTAL PARKING	18	18+1HC

SETBACK		
	ALLOWED	PROPOSED
RIGHT SIDE SETBACK (NORTH)	12.0 M	10.11 M
LEFT SIDE SETBACK (SOUTH)	12.0 M	29.25 M
REAR SETBACK (WEST)	12.0 M	11.82 M
FRONT SETBACK (EAST)	14.0 M	34.45 M

PROJECT STATISTICS		
ADDRESS: 7843 HWY 35 NORTH, CITY OF KAWARTHA LAKES, ON		
ZONING: C2		
	ALLOWED	PROPOSED
LOT/STREET AREA (sq. ft.)	4000 sq.m	3716.12 sq.m
C-STORE	153.0 sq.m	153.0 sq.m
RESIDENTIAL UNIT	35.87 sq.m	35.87 sq.m
RESTAURANT	54.50 sq.m	54.50 sq.m
MAX. COVERAGE	30%	6.50% sq.m
CFA	243.37 sq.m	243.37 sq.m
MIN. LOT FRONTAGE	45.0 M	80.88 M
LANDSCAPED AREA	1636.81 sq.m	1636.81 sq.m
PAVED AREA	73.14 sq.m	73.14 sq.m
BUILDING HEIGHT	11.0 M	5.24 M
LOADING	-	01
PARKING	18	18+1HC

Ministry of Transportation

Corridor Management Section
1355 John Counter Boulevard
Postal Bag 4000
Kingston, Ontario K7L 5A3
Tel.: 613 544-2220 Ext. 4119
Fax: 613-540-5106

Prabin.Sharma@ontario.ca

Ministère des Transports

Section de gestion des couloirs routiers
1355, boulevard John Counter
CP/Service de sacs 4000
Kingston (Ontario) K7L 5A3
Tél.: 613 544-2220 Ext. 4119
Télééc. 613 540-5106



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FEB 04 2019

City of Kawartha Lakes
Development Services
Planning Division

February 01, 2019

City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West
Lindsay, ON K9V 2Y6

APPENDIX " D "
to
REPORT CA2019-014
FILE NO. D20-2019-007

ATTN: IAN WALKER

**Re: Proposed Gas Station, C-Store and Pizza Pizza - 7843 Highway 35N
Highway 35, City of Kawartha Lakes, Geog. Township of Laxton**

MTO has reviewed the updated site plan application package received on January 02, 2019 for the abovementioned development and offers the following comments.

In respect to the revised **Stormwater Management Report (SWM)** dated December 20, 2018 submitted by n-Architecture Inc, MTO has following comments:

- It is unusual for MTO to receive a SWM report from an architectural firm. Can you please confirm that the municipal engineer has drainage experience and is aware of the MTO drainage requirements which are all noted in the MTO drainage website at: <http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>
- On page 2 of the report both the narrative and Figure 1 incorrectly label the subject lands as Highway 26 North? We do not have a Highway 26 in MTO Eastern Region. Please confirm that all components of this study apply to this site.
- The 300 mm discharge pipe is in the Highway right of way. All drainage features must be on the proponent's property.
- In the cover letter from nArchitecture to Ian Walker dated December 20, 2018, it is stated on pages 7, 10 and 11 that no storage tank is proposed, yet on Drawing C-3.0, also dated December 20, 2018, a MC-3500 storage tank is depicted.
- Page 7 of the covering letter and section 3.2.1 of the report refer to the use of orifice plate in conjunction with parking lot storage. This is in contradiction to MTO policy. In addition, the Grading Diagram does not depict how the flows from the parking lot will get to MH-1.
- The impervious area used to calculate the pre-development flows does not correlate to the actual site conditions, neither at present nor in the past (see Figures below). Since pre-development area is a foundational parameter for determining the runoff, error in this parameter renders rest of the calculations, conclusions, and controls based on it invalid.

.../2



Figure 1. DR-101 Overlay With Impervious Area Outlined (in blue)



Figure 2. Impervious Area Overlay, 2018 image.

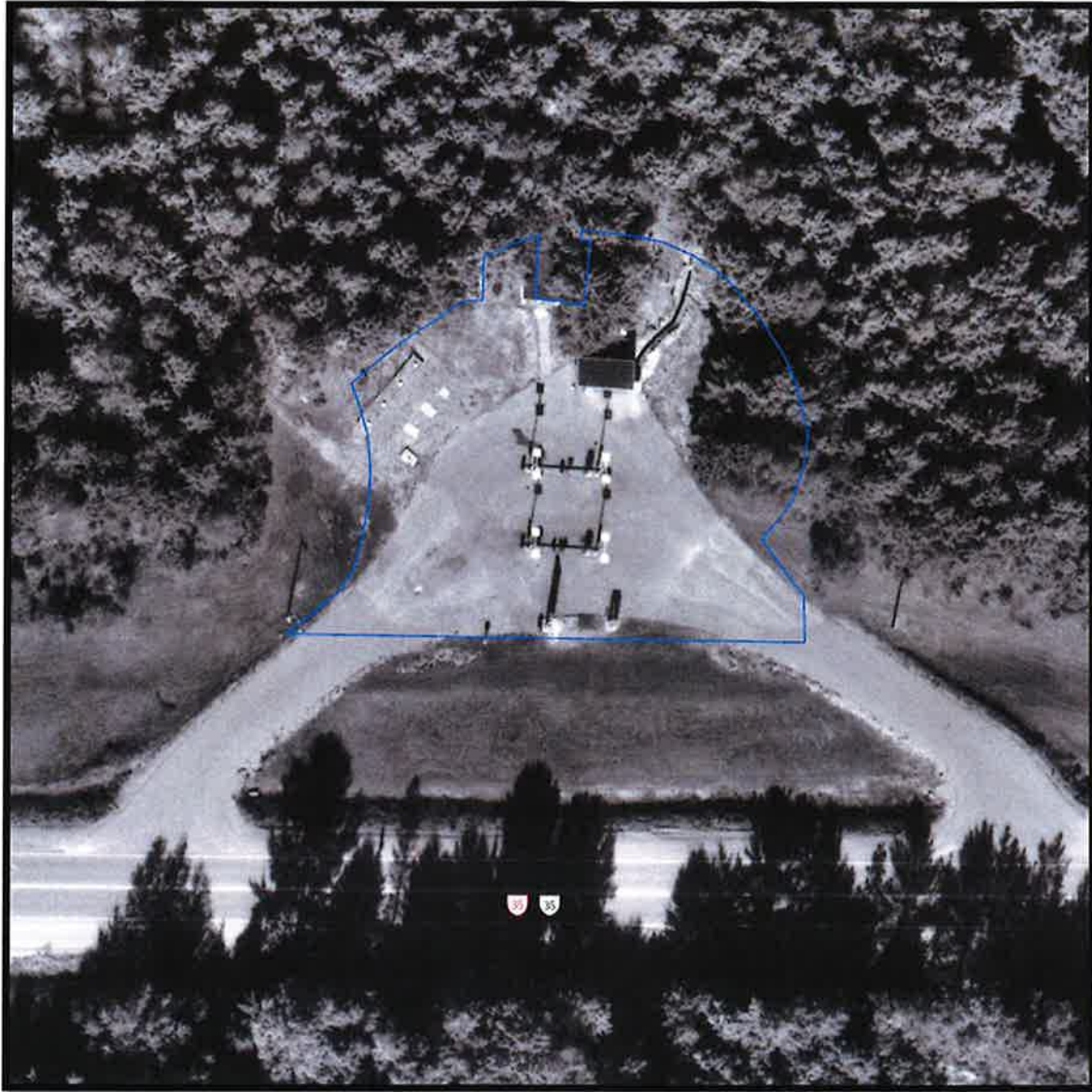


Figure 3. Impervious Area Overlay, 1999 Image.

Note that MTO did not conduct a review of the Stormwater Management Report as there are fundamental issues that need to be addressed. Once the above noted issues are addressed and resubmitted, the MTO will conduct a full review of the study.

In regards to the addendum to the **Traffic Impact Study (TIS)**, MTO has following comments:

- During our review of this information, it was noted that a Highway 35 northbound left turn is required and that MTO does not concur with the response that a NBLT is not triggered by this development, as such, we cannot endorse the Traffic Impact Study.
- The concept plan submitted does not adequately address the access design features and must be completed by a MTO RAQs approved highway engineering firm. The engineering drawing will depict all highway improvements requirements of the traffic study including all additional lanes, entrances and tapers, and all design features to MTO standards and specifications. The appropriate entrance standards should be referenced in the Traffic Impact Study and on the plans. The MTO CSAS-19 standard referenced on the plan does not exist.
- The southbound right turn taper must be designed to meet MTO standards.

.../4

- The north and south proposed entrances into the property must meet MTO's current entrance standards. The entrances as depicted on the site plan/concept plan do not reflect MTO entrance standards and need to be corrected.
- The current commercial entrance standards can be found on MTO's Highway Corridor Management Manual, September 2018 – Chapter 4 - Access. The manual is available publicly through the MTO Library via the link at:
<https://www.library.mto.gov.on.ca/SydneyPLUS/Sydney/Portal/default.aspx?component=AAAIY&record=af9e17eb-ffc0-4143-b739-69af5835eb68>.
- All drawings completed for the Highway 35 right of way work, i.e. access, taper, left turn lane, etc. must be completed by a MTO RAQs approved consultant and be signed and stamped by the P. Eng.

The proponent should also be advised that once MTO is satisfied with the Traffic Impact Study, the left turn lane requirement will require a Preliminary Design and Environmental Assessment to be completed in accordance with the MTO Class EA. I can provide further information on this during the revised traffic study once submitted.

Then MTO would require that the proponent's MTO RAQs approved highway engineering consultant prepare appropriate engineering drawings designed to MTO specs for our review and approval. Once the engineering drawings are approved, MTO and Proponent would enter into a legal agreement with a letter of credit (for 100% of the cost of the improvements) forming part of the legal agreement process. All highway improvement responsibilities, financial and otherwise, triggered by the development such as property requirements, servicing connections, utility relocations, and construction are the sole responsibility of the developer. The proponent will also be responsible for the construction of the works. MTO will review the draft tender package prior to advertising and the traffic control plan. Note that all work that occurs in the MTO right of way must be completed by MTO RAQS approved consultants and contractors including all geotechnical consultant (and all engineering consultants), the preliminary design, Environmental, detail design, the contract administrator, and the contractor.

In regards to **environmental matters**, MTO is concerned about the potential contamination of MTO right-of-way because of the historical use of the property. When MTO is undertaking highway improvement works in this area in future, if the soil within MTO right-of-way is found to be contaminated from this gas station site or historical tanks, the proponent will be solely responsible for the contamination clean-up. Please note that this condition will be included in the MTO Building and Land Use Permit and legal agreement if all other concerns are satisfactorily addressed and if the proponent applies for a MTO permit.

For the site plan:

- The site plan depicts a septic bed that is not located on this property parcel but appears that it might have serviced the previous site. Please confirm what this septic service is and will it be decommissioned?
- Where is the well located on the property? Note that MTO requires a 30 metre setback for wells from the property limit.
- There is an existing sign/planter that is shown will remain. MTO requires a minimum setback of 3 metres for all signs.
- A drawing of sign design will be required for the MTO sign permit.

While submitting a revised submission, MTO will require that the consultant attach a cover letter responding to each of our comments, answering how and where in the report these comments have been addressed and reference specific plans/sections, etc.

.../5

Please note that MTO reserves the right to provide additional comments or modify comments based on the revised submission. We look forward to reviewing a revised submission. As per the normal process, please ensure that MTO receives three complete sets of the resubmission.

If you have further questions concerning this matter, please feel free to contact me.

Sincerely,



Prabin Sharma
Corridor Management Planner
MTO, Eastern Region

- c. Don Lawrence
Corridor Management Officer
MTO Eastern Region
Donald.Lawrence@ontario.ca

Ian Walker

From: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Sent: Thursday, February 07, 2019 8:53 AM
To: Ian Walker
Subject: RE: D20-2019-007 Advanced Circulation

Categories: MV

Agree. We don't have concerns with the reduction on parking spaces.

From: Ian Walker [mailto:iwalker@kawarthalakes.ca]
Sent: February 6, 2019 4:03 PM
To: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Subject: RE: D20-2019-007 Advanced Circulation

Thanks Prabin:

I guess whether the left turn lane is constructed or not, the question relating to the variances would be this: will the reduction by 1 parking space have an impact (or potential impact) on traffic? Given the other 3 variances do not affect MTO's concerns with the site.

Ian Walker, B.Sc.
Planning Officer – Large Developments
Development Services – Planning Division, City of Kawartha Lakes
705-324-9411 extension 1368
www.kawarthalakes.ca



From: Sharma, Prabin (MTO) [mailto:Prabin.Sharma@ontario.ca]
Sent: Monday, February 04, 2019 1:58 PM
To: Ian Walker
Subject: RE: D20-2019-007 Advanced Circulation

Hi Ian,

As I mentioned in my letter (dated Feb 1, 2019) to you, MTO is of the opinion that a northbound left turn lane is required at this location. However, the TIS has not made any highway improvement recommendations, as such, we do not agree with their conclusion.

Prabin

From: Ian Walker [mailto:iwalker@kawarthalakes.ca]
Sent: February 4, 2019 1:50 PM
To: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Subject: RE: D20-2019-007 Advanced Circulation

Erica Hallett

From: Anne Elmhirst
Sent: Tuesday, February 05, 2019 11:03 AM
To: Erica Hallett
Subject: D20-2019-007 - 7843 Highway 35 North

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erica,

RE: Minor Variance Application D20-2019-007
7843 Highway 35 North, Former Laxton Township,
Conc. 11, Lot 11, Plan 57R5322, Part 1,
Roll No. 165142000147900

I have received and reviewed the proposal for minor variance for the expansion of a legal non-conforming convenience store at the above-noted property.

The property will be serviced by a new sewage system as part of the building plan. This sewage system will be incorporated wholly within the property boundaries.

At this time, the Building Division – Sewage System Program has no issue with the minor variance application.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



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FEB 06 2019

City of Kawartha Lakes
Development Services
Planning Division

Via E-Mail: ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Application for Minor Variance – D20-2019-007
8536945 Canada Inc. (N Architecture Inc.)
7843 Highway 35 (Norland)
Geographic Township of Laxton
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application, associated with City of Kawartha Lakes File D19-17-002 for Site Plan Approval to re-develop a gas bar, convenience store and residential space on the subject lands. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the Township of Laxton Zoning By-law, as amended. The purpose and effect is to request relief from the following provisions in order to permit the reconstruction of a gas bar, convenience store and residential space:

1. Section 11.1 – to permit the expansion of a legal, non-conforming convenience store use from 53.49m² to 153m²;
2. Section 18.11 – to reduce the side yard setback from 12 metres to 10.1 metres;
3. Section 11.2 d)& e) – to reduce the rear yard setback from 12 metres to 11.9 metres, and;
4. Section 18.13 a) - to reduce the required parking from 18 spaces to 17 spaces.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is outside of Kawartha Conservation's Regulated Watershed Area; therefore, not subject to Ontario Regulation 182/06.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Recommendation

Based on our review of the natural hazards and natural heritage features adjacent to the property, Kawartha Conservation staff has no objections to the approval of Minor Variance Application D20-2019-007, provided the proposed works are constructed as per the plans and reports finalized in the Site Plan Control Application under City of Kawartha Lakes File No. D19-17-002.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Ian Walker, City of Kawartha Lakes



Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Senior Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-007 – 7843 Highway 35
Geographic Township of Laxton, City of Kawartha Lakes

The Development Engineering Division has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as, the Application for Minor Variance/Permission received on February 7th, 2019.

It is our understanding that the applicant is requesting the following to permit the replacement of the existing motor vehicle gasoline bar and legal non-conforming accessory convenience store use, together with a new restaurant and accessory dwelling unit:

1. Permission to allow an approximately 100.0 square metre footprint expansion to the legal non-conforming convenience store use from 53.49 square metres to 153.0 square metres;
2. Relief to decrease the north side yard setback from 12.0 metres to 10.1 metres;
3. Relief to decrease the rear yard setback from 12.0 metres to 11.9 metres; and
4. Relief to decrease the minimum required parking for all proposed uses from 18 parking spaces to 17 parking spaces;

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

Please do not hesitate to contact our office if you have any questions.

Ian Walker

From: Ann-Marie Barker <abarker@tssa.org>
Sent: Friday, March 01, 2019 8:26 AM
To: Ian Walker
Cc: Solomon Ko
Subject: RE: Requirements for replacing aging gas bar

Categories: MV

Good morning, Ian.

The person who is re-building the gas station will have to do a couple of things:

- Apply for a TSSA license & submit a site plan of new gas bar for review;
- Submit an environmental assessment report once the current under ground tanks and piping are removed.
-

Our environmental group will review the report to ensure it meets the MOE guidelines.

From: Solomon Ko
Sent: March 1, 2019 8:22 AM
To: Ann-Marie Barker <abarker@tssa.org>
Subject: FW: Requirements for replacing aging gas bar

Morning, Ann:

Can you help please? He is talking about potential contamination by the liquid fuels tanks.

Solomon

From: Ian Walker <iwalker@kawarthalakes.ca>
Sent: February 28, 2019 4:24 PM
To: Solomon Ko <sko@tssa.org>
Subject: RE: Requirements for replacing aging gas bar

Hi Solomon:

Yes, the gasoline tanks. I believe there is also an existing above grade propane tank which will be removed/replaced. When they remediate/replace fuel tanks at gas bars, is it TSSA who sets the standards for them to follow, or who monitors it? Or would it be something that falls to MECP (formerly MOE)?

Ian Walker, B.Sc.
Planning Officer – Large Developments
Development Services – Planning Division, City of Kawartha Lakes
705-324-9411 extension 1368
www.kawarthalakes.ca



From: Solomon Ko [<mailto:sko@tssa.org>]
Sent: Thursday, February 28, 2019 1:16 PM
To: Ian Walker
Subject: RE: Requirements for replacing aging gas bar

Ian:

You mentioned about the contamination from the original tanks; are you referring to some liquid fuels tanks, and not propane tank?

Regards,

Solomon

From: Ian Walker <iwalker@kawarthalakes.ca>
Sent: February 28, 2019 11:34 A:

To: Solomon Ko <sko@tssa.org>
Subject: Requirements for replacing aging gas bar

Good morning Solomon:

We have an application currently in site plan review relating to the replacement of a gas bar in the former Township of Laxton. It was a Cango gas bar located at 7843 Hwy 35, Part Lot 11 Conc 11 former Laxton, now City of Kawartha Lakes. I understand that the replacement would be subject to some TSSA approvals/standards, and that the current standards would be likely more significant than what was previously installed. As part of a public process (minor variance request), the neighbour who surrounds the property on 3 sides advised his only issue is potential contamination from the original tanks. I'm wondering if there is any information I can advise him, as to who may have control over that issue (i.e. jurisdiction), and who would determine if/what remediation may need to take place. Is there any general information that you may be able to provide in that regard?

Thanks,

Ian Walker, B.Sc.
Planning Officer – Large Developments
Development Services – Planning Division, City of Kawartha Lakes
705-324-9411 extension 1368
www.kawarthalakes.ca



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Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Hormoz Sherkat
Report Number COA2019-018

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Laxton

Subject: The purpose and effect is to recognize the location of a detached garage by requesting relief from Section 4.2(k) to reduce the minimum side yard setback from 1.3 metres to 1.2 metres.

The variances are requested at 159 Shadow Lake Road 3, geographic Township of Laxton (File D20-2019-010).

Author: David Harding, Planning II

Signature:

Recommendation:

Resolved That Report COA2019-018 Hormoz Sherkat, be received;

That minor variance application D20-2019-010 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **That** the owner shall carry out the final inspection and closure of the building permit file within six (6) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-018. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Background: The foundation control certificate for the garage confirmed that it had not been sited in accordance with the approved grading plan.

Proposal: To recognize the location of a 6.71 metre x 6.71 metre (22 feet x 22 feet) detached garage.

Owner: Hormoz Sherkat

Legal Description: Lot 10, Concession 11, Part of Lot 6, Plan 525, geographic Township of Laxton, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

Site Size: 2,208 square metres (0.221 hectares)

Site Servicing: Private individual sewage system and river-based water supply

Existing Uses: Shoreline Residential

Adjacent Uses: North, East: Shoreline Residential
South, West: Gull River

Rationale:

1) Is the variance minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated within a shoreline residential neighbourhood situated upon a peninsula that sits between the Gull River and Shadow Lake. The subject property is bordered on two sides by the Gull River.

The land to the immediate east of the subject property is heavily vegetated with trees. The east side yard reduction for the garage is not anticipated to be perceptible.

The variance is minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83. The General Provisions permit a garage to be located within a front yard on a shoreline property provided it complies with the provisions of the RR2 Zone. In this case the RR2 Zone requires a 1.3 metre side yard setback from one side lot line, and 3 metres from the other. The intent of the zoning by-law is still maintained as the modest reduction in setback ensures there remains sufficient space along the eastern wall of the garage to perform maintenance.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) **Does the variance maintain the intent and purpose of the Official Plan?**
Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual sewage system and river-based water supply.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building Division (March 7, 2019): No concerns.

Kawartha Region Conservation Authority (March 7, 2019): No concerns.

Public Comments:

No comments as of March 11, 2019.

Attachments:



Appendices A-D to
COA2019-018.pdf

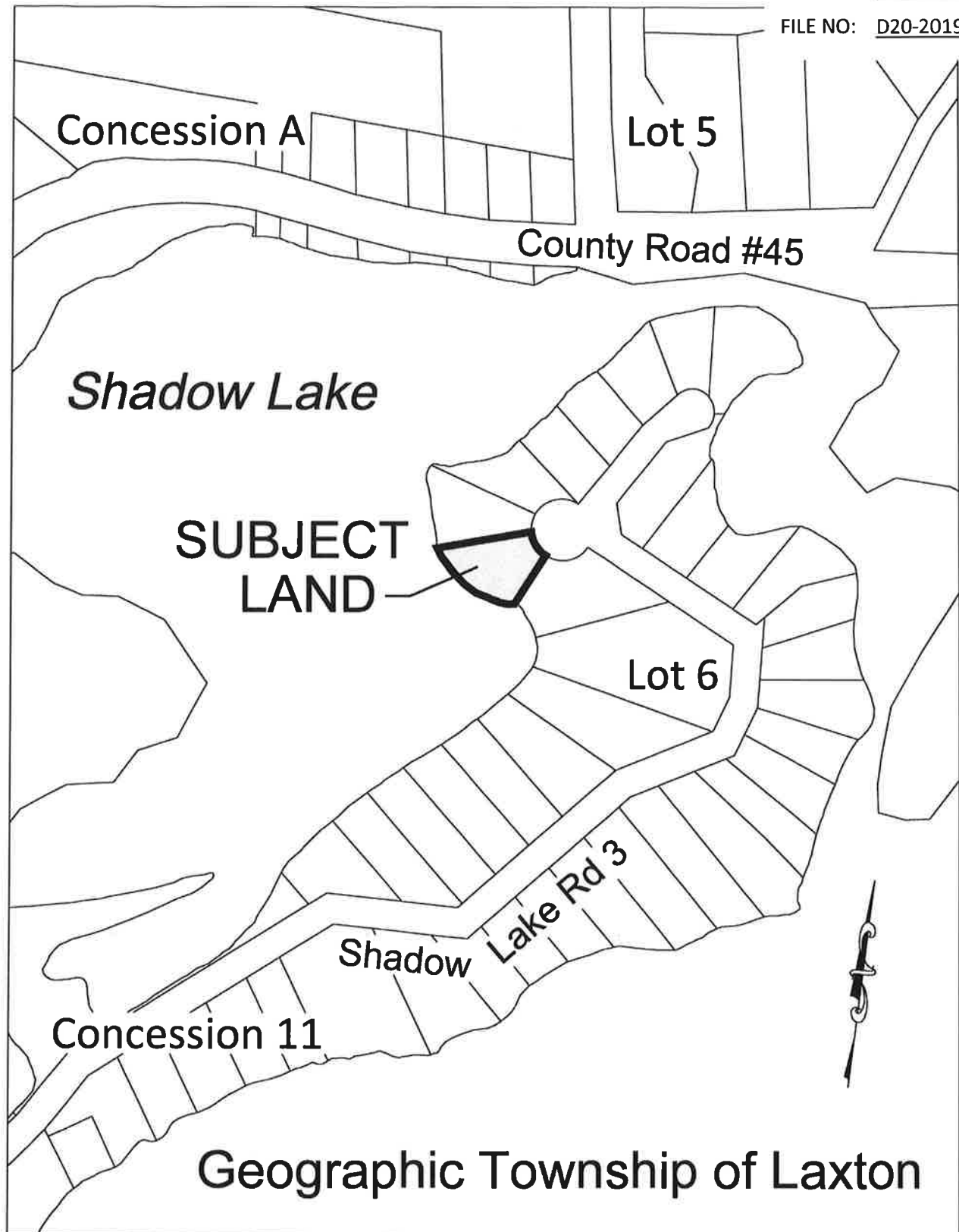
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-010

to

REPORT COA2019-018

FILE NO: D20-2019-010



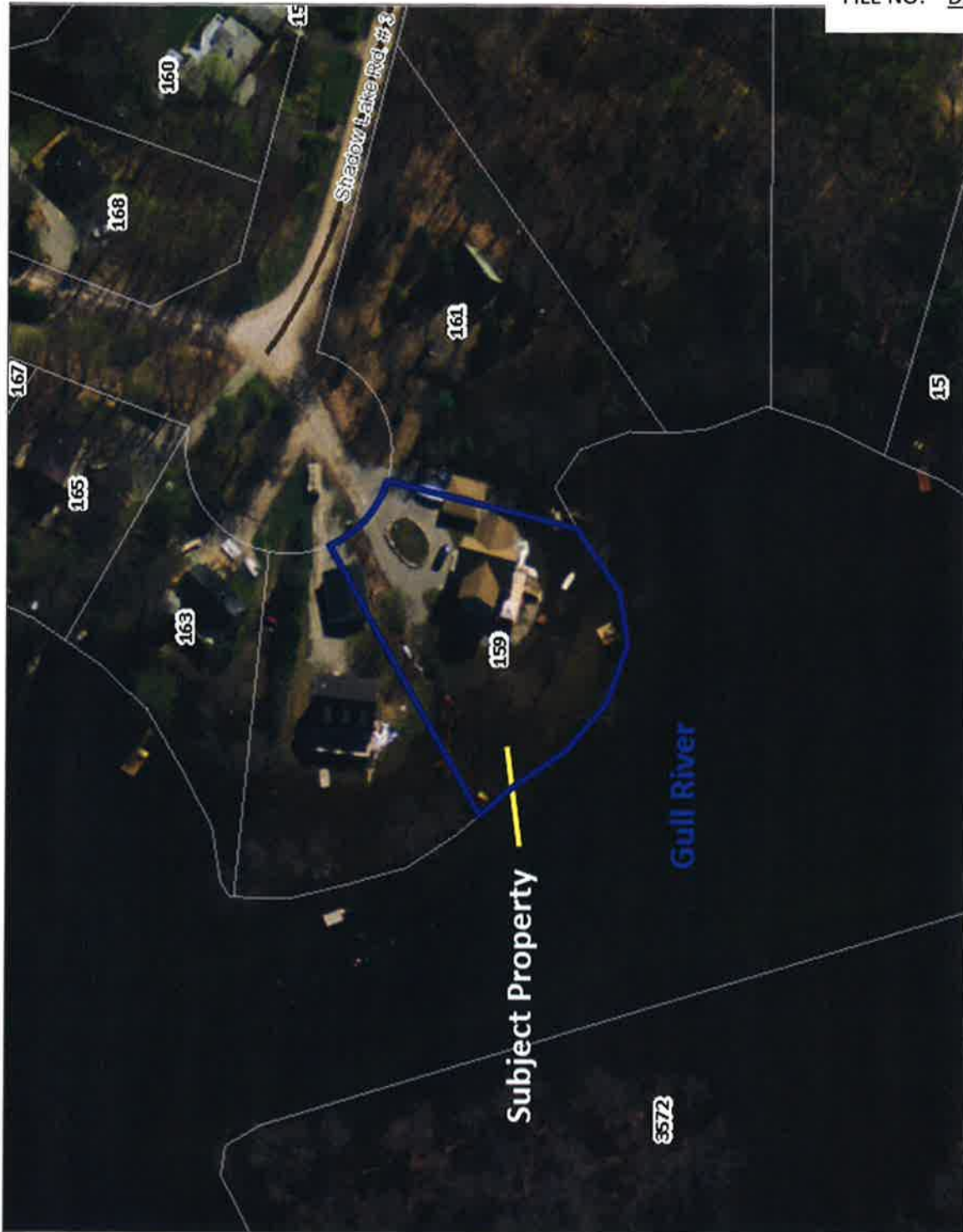
to

REPORT COA2019-018

FILE NO: D20-2019-010

159 Shadow Lake Road 3, geographic Township of Laxton

**GEOMATICS
MAPPING**



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accurate, current, or otherwise reliable
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0.08 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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to

REPORT COA2019-018

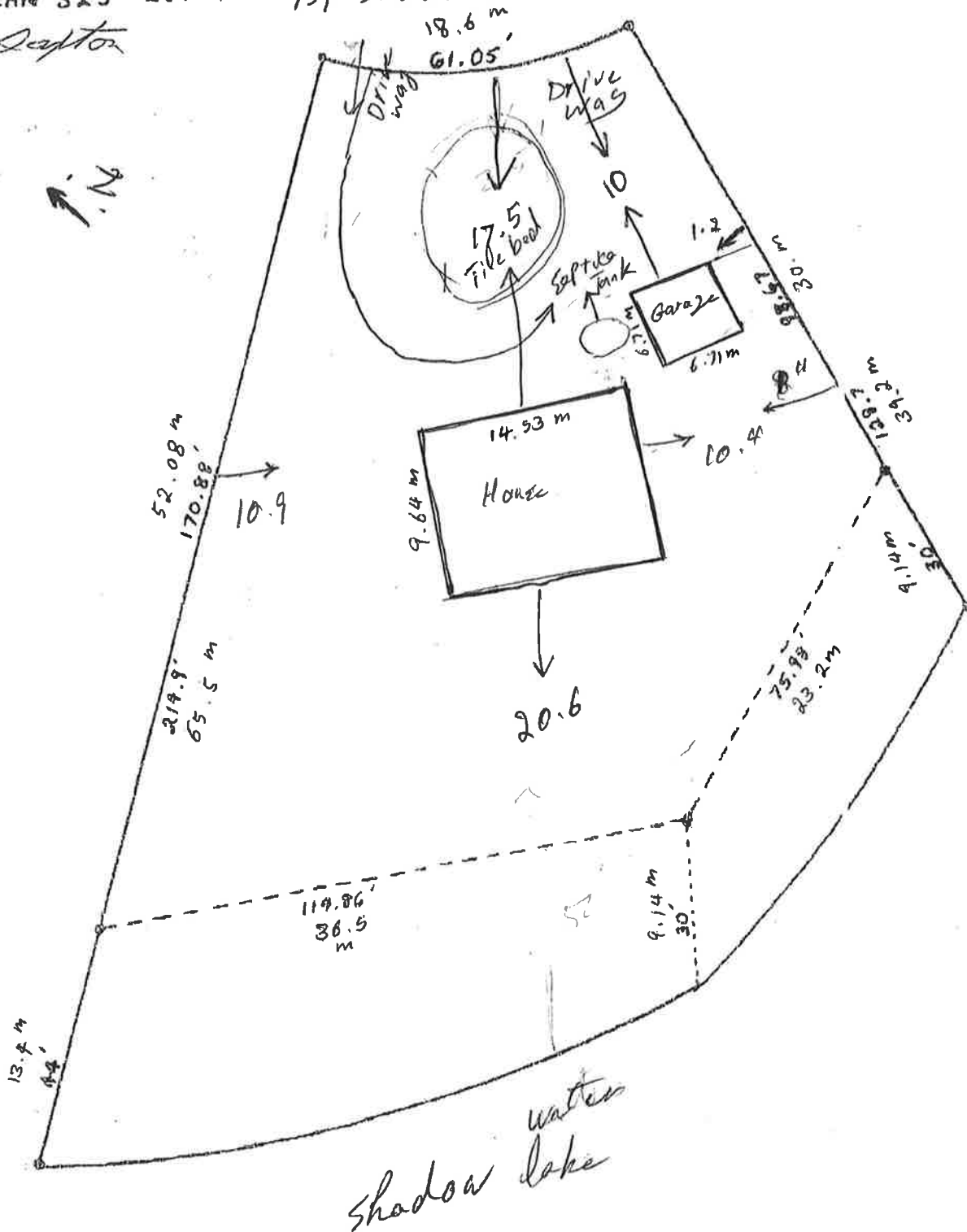
FILE NO: D20-2019-010

CON 11 PT LOT 6
PLAN 525 LOT 10

Depton

Koll # 420.

159-Shadow lake Rd 3



Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

APPENDIX " D "

to

REPORT COA 2019-018

FILE NO. D20-2019-010

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
D20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Via E-Mail: ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2019-010
 Hormoz Sherkat
 159 Shadow Lake Road No.3, Part of Lot 11 Concession 6 (Shadow Lake)
 Geographic Township of Laxton
 City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of the Township of Laxton Zoning By-Law, as amended, as it relates to:

- a) Section 18.1b) – to allow for a reduced side yard setback for a detached garage from 1.3 metres to 1.2 metres.

Staff recognize that the detached garage has been constructed inadvertently in the wrong location. The purpose of the application is to legally recognize the location of the garage.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is located outside of Kawartha Conservation's defined watershed boundary.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Natural Heritage (Wetlands)

According to KRCA mapping, the property contains portions of an unevaluated wetland. Kawartha Conservation strives to protect all wetlands including wetland features located outside of lands regulated by the Conservation Authority. The current location of the detached garage appears immediately adjacent to the unevaluated wetland feature. Given the site-specific constraints on the property, staff are of the opinion that the current location of the detached garage will present minimal impacts to the hydrologic function of the unevaluated wetland feature.

Flooding Hazards (Hazardous Lands)

To ensure conformity with Section 3.1 of the Provincial Policy Statement (PPS, 2014), Kawartha Conservation aims to prevent new development from locating in areas where there is a potential for loss of life and/or property damage from natural hazards. Moreover, KRCA Plan Review Policies (Section 2.4.2.4) for Natural Hazards identifies that applications shall not create new or exacerbate existing hazardous conditions. Due to the anthropogenic influence in manipulating lake levels, Shadow Lake experiences considerable fluctuations during certain times of the year. As there is no recorded Regulatory flood level for Shadow Lake, Kawartha Conservation policies propose development be setback from the shoreline at least 15 metres and be located at least one (1) metre above the spring high watermark. Based on aerial photography, it appears as though the detached garage is appropriately setback (over 20m) from the shoreline of Shadow Lake and over one (1) metre above the navigable highwater mark.

Fish Habitat

Pursuant to Policy 3.4.6(8), for expansion, replacement, or relocation of an existing building or structure on adjacent lands (within 120 metres of fish habitat), Kawartha Conservation recommends the maintenance, establishment, and/or enhancement of a buffer strip running continuously along both sides of all water features supporting fish habitat, measured in accordance with Policies 3.4.6(10), 3.4.6(11), 3.4.6(12), 3.4.6(13) OR where this is not feasible, that maximum buffers, given the site constraints, should be applied wherever possible.

Furthermore, Policy 2.1.8 of *Provincial Policy Statement* states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

The Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. In cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable.

The detached garage was constructed over 20 metres from the shoreline associated with Shadow Lake and further away from fish habitat than the existing dwelling. Staff are of the opinion that since no additional encroachment towards fish habitat occurred as a result of the construction of the garage and given the lot constraints of the subject lands, the situation of the garage is in the best possible location in relation to potential effects to fish habitat. No additional studies will be required to support the current location of the garage.

Recommendation

Based on our review of the natural hazards and natural heritage features on and adjacent to the property, KRCA has no objections to the approval of Minor Variance Application D20-2019-010.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
Kent.stainton@kawarthaconservation.com

cc: Mark Lahay, City of Kawartha Lakes, via email
David Harding, City of Kawartha Lakes, via email
Quadri Adebayo, City of Kawartha Lakes, via email

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
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KawarthaConservation.com

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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Idele and Rod Hynes
Report Number COA2019-019

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to permit a storey to be added to a single detached dwelling, permit the construction of two decks, and recognize two sheds on the property by requesting relief from the following provisions:

Additional Storey to a Single Detached Dwelling and South Deck with Stairs

1. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres;

West Deck with Stairs

2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 11 metres;
3. Section 3.18.5 to reduce the setback to the Environmental Protection Zone (EP) Zone from 15 metres to 11 metres;

Shed 1

4. Section 3.1.2.1 to permit an accessory building within a front yard instead of a side or rear yard;

Shed 2

5. Section 3.1.2.2 to reduce the minimum side yard setback from 2 metres to 1.2 metres and reduce the spatial separation to a residential building from 4 metres to 3 metres; and
6. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres.

The variances are requested at 133 Oakdene Crescent, geographic Township of Mariposa (File D20-2019-011).

Author: David Harding, Planning II

Signature:

Recommendation:

Resolved That Report COA2019-019 Idele and Rod Hynes, be received;

That minor variance application D20-2019-011 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-019, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2019-019 as Shed 2 has been relocated; and
- 3) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>To create a two storey dwelling by raising the main level and constructing a new level below. A deck on the south wall is proposed to provide access to the second level.</p> <p>Through the pre-screening process, additional variances pertaining to the two sheds were identified. Recognition of the shed within the front yard is being sought. A new location for the shed within the rear yard is being sought to better comply with the by-law. This new location also requires relief.</p> <p>This application was last amended March 4, 2019.</p>
Proposal:	<p>To create a two storey dwelling by raising the main level and constructing a new level below. There are two decks proposed with the construction. The recognition of two existing sheds is also being sought.</p>
Owner:	<p>Idele and Rod Hynes</p>
Legal Description:	<p>Lot 3, Plan 354, geographic Township of Mariposa, City of Kawartha Lakes</p>
Official Plan:	<p>Waterfront within the City of Kawartha Lakes Official Plan</p>

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

Site Size: 1,345.99 square metres (0.33 acres)

Site Servicing: Private Individual Well and Holding Tank.

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Second Tier Shoreline Residential
West: Lake Scugog

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated within a shoreline residential neighbourhood bordering Lake Scugog. The neighbourhood contains a mixture of seasonal and year-round residential dwellings.

There is a cedar hedge which runs along the front lot line and north side lot line. The south lot line is planted with trees, most of which are cedars. These vegetative buffers assist in screening the property to varying degrees.

The shed (Shed 1) within the front yard is set back approximately 11.5 metres from the road allowance. In addition to the cedar hedge, mature birch trees grow around the east side of the shed, further buffering it from the road. The combination of spatial separation and vegetative buffers, in addition to the shed's relatively small size assist in mitigating its visibility and prominence within the front yard.

Shed 2 is proposed to be relocated within the interior side yard nearly in-line with the rear wall of the dwelling. Adequate spatial separation remains between Shed 2 and the side lot line to perform maintenance.

The dwelling does not appear significantly closer to the shoreline than the dwellings on nearby lots, nor will adding an additional storey significantly alter the character of the shoreline. The other nearby dwellings, with the exception of 127 Oakdene Crescent which is a raised walkout basement, are all two storey buildings. As the footprint of the building is not changing, the relatively large side yards are being retained. The retention of these yards also lessens any potential massing impact by mitigating the length of built form facing the shoreline.

The south deck, which is of modest area, is proposed away from the rear wall of the dwelling, and will provide access to the side yard from the second storey. Its modest footprint and location is not anticipated to generate any adverse massing impacts or impede the function of the side yard.

The rear yard deck is proposed slightly above grade, and is not anticipated to create any adverse massing impacts due to its modest height. It is proposed to project no further into the rear yard than the existing deck, which has now been removed, and will be substantially smaller in area. The reduction in area will allow for increased landscaped open space, which will assist in stormwater infiltration. The modestly sized rear deck is not anticipated to adversely impact the function of the rear yard as a landscaped amenity space.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

The subject property is zoned Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the zoning by-law is to maintain sufficient space between the dwelling and shoreline to permit the establishment of vegetation to assist in the infiltration of stormwater runoff.

Due to the location of the existing holding tank, the dwelling cannot be moved closer to the road. Additionally, the dwelling is coming no closer to the shoreline and maintains the 15 metres minimum setback required from the Environmental Protection (EP) Zone. The deck surrounding the dwelling is being replaced by two smaller decks: one close to grade within the rear yard, and one to provide access to the second storey. While the rear deck encroaches into the rear yard setback, it is modest in area in comparison to the old deck, will come no closer to the shoreline than the old deck, and will facilitate access from the new lower floor of the dwelling to the rear yard. As such, the new rear deck achieves a net improvement with respect to the water and EP Zone setback provisions.

The intent of some of the sections within the General Provisions is to discourage the placement of accessory buildings other than garages within the front yards of shoreline residential properties. This ensures the predominant use and appearance of front yards is not for storage purposes. In this circumstance, the shed proposed within the front yard is small, positioned away from the road, and buffered from the road by vegetation. The combination of mitigation measures ensures that the storage use will not appear as the predominant use within the front yard.

The placement of Shed 2 within the interior side yard in its proposed location ensures it is outside of the EP Zone setback. Its placement also ensures adequate access for maintenance and lot grading and drainage purposes.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

All built form of any substantial height will be at least 15 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a holding tank and private individual well.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building Division (March 7, 2019): No concerns.

Kawartha Region Conservation Authority (March 8, 2019): No concerns. Permit P2018-0319 has been issued for the proposed works. A revision to the permit may be needed to reflect the relocation of Shed 2.

Public Comments:

No comments as of March 11, 2019.

Attachments:



Appendices A-E to
COA2019-019.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

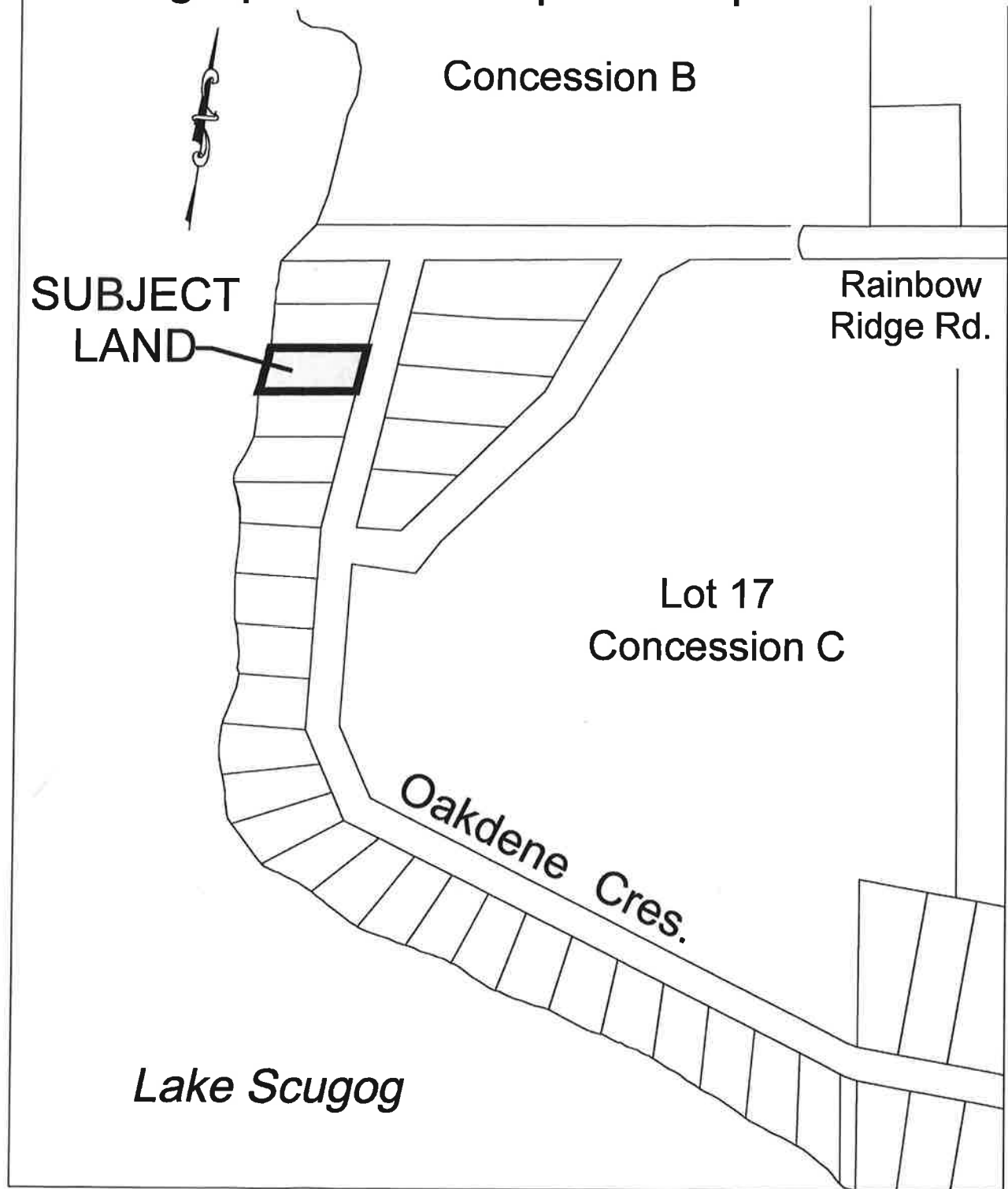
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-011

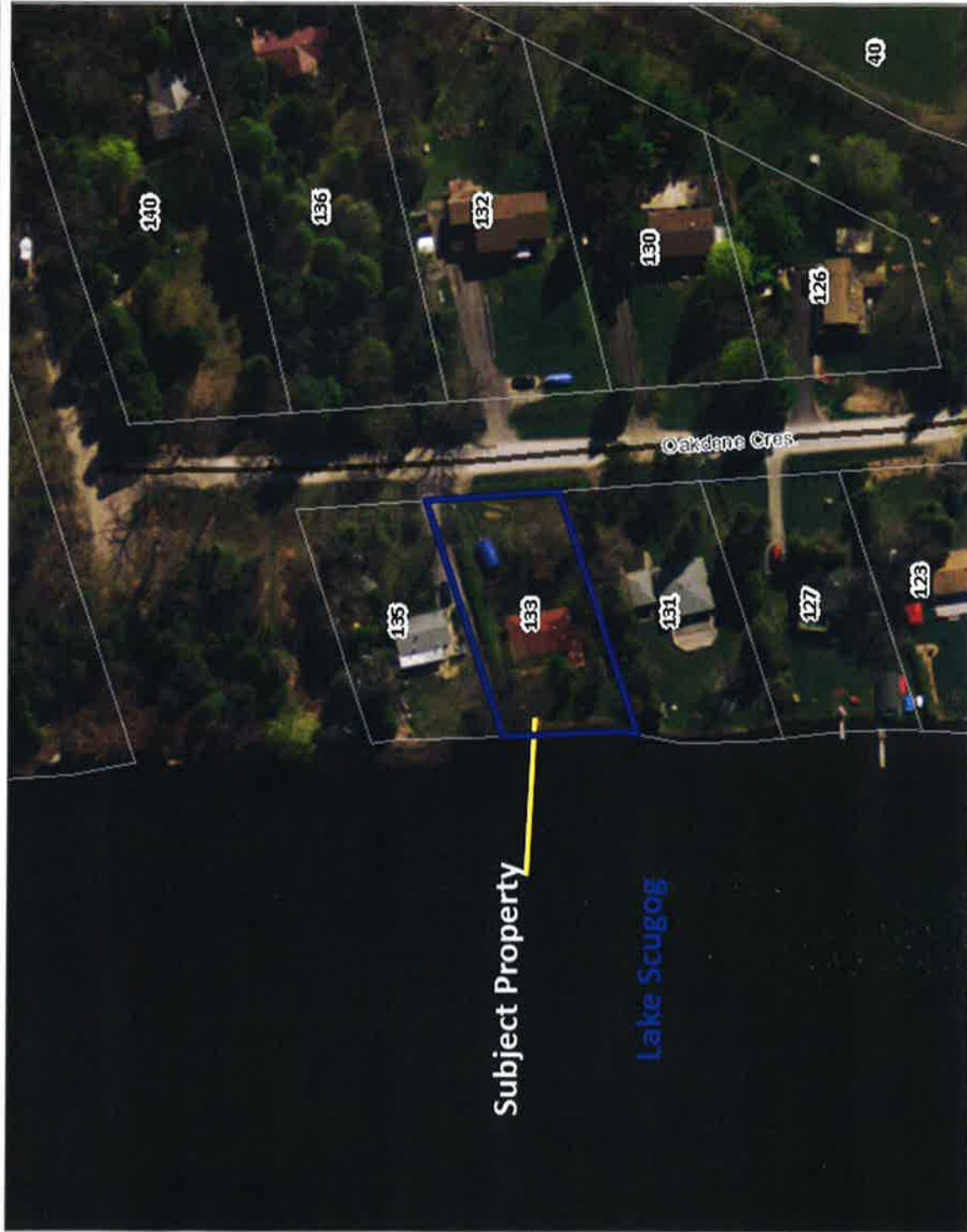
to

REPORT COA2019-019

FILE NO: D20-2019-011

Geographic Township of Mariposa





Subject Property

Lake Scugog

0.08

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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APPENDIX " B "

to

REPORT COA2019-019

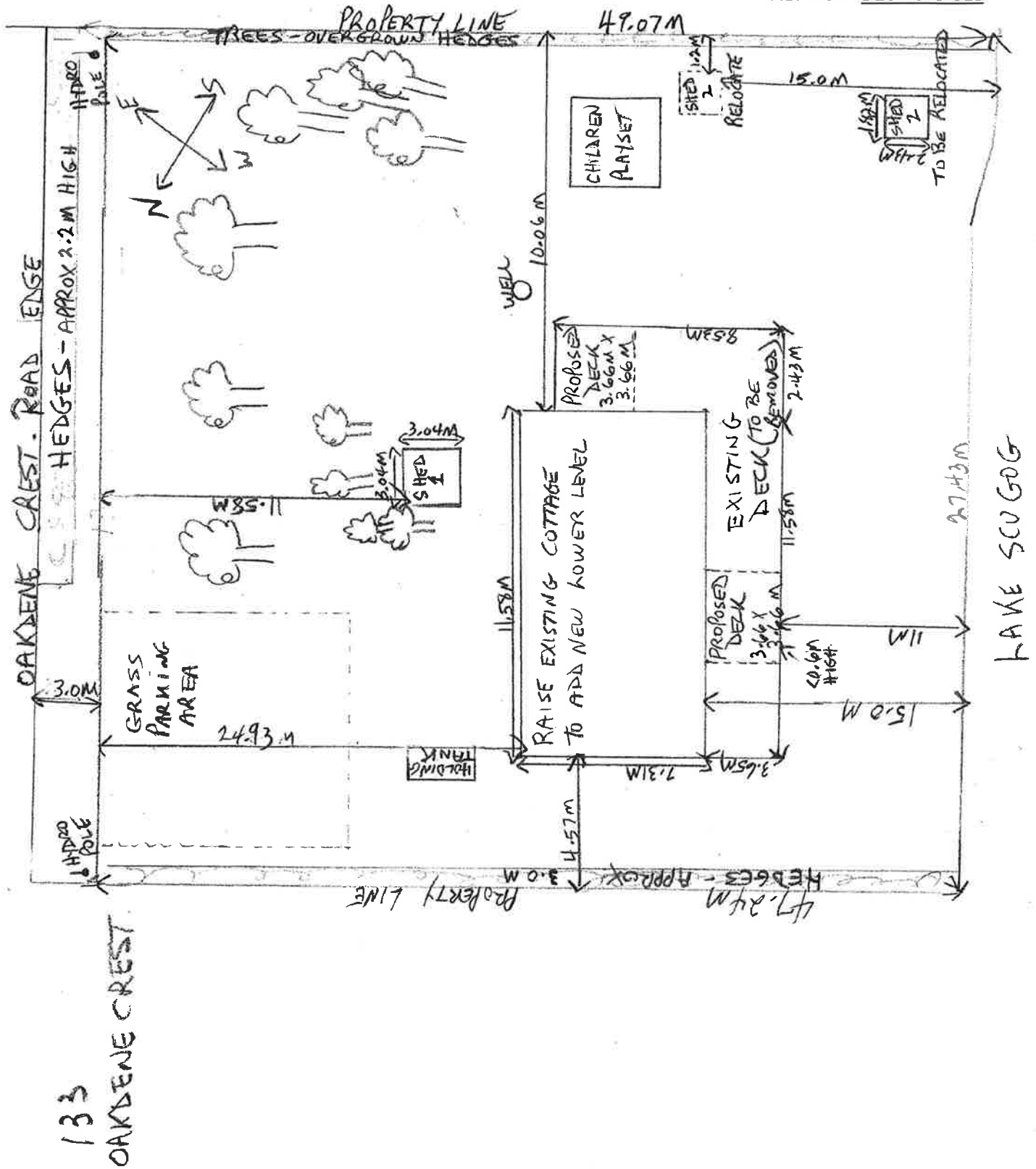
FILE NO: D20-2019-011

APPENDIX " C "

to

REPORT COA2019-019

FILE NO: D20-2019-011



to

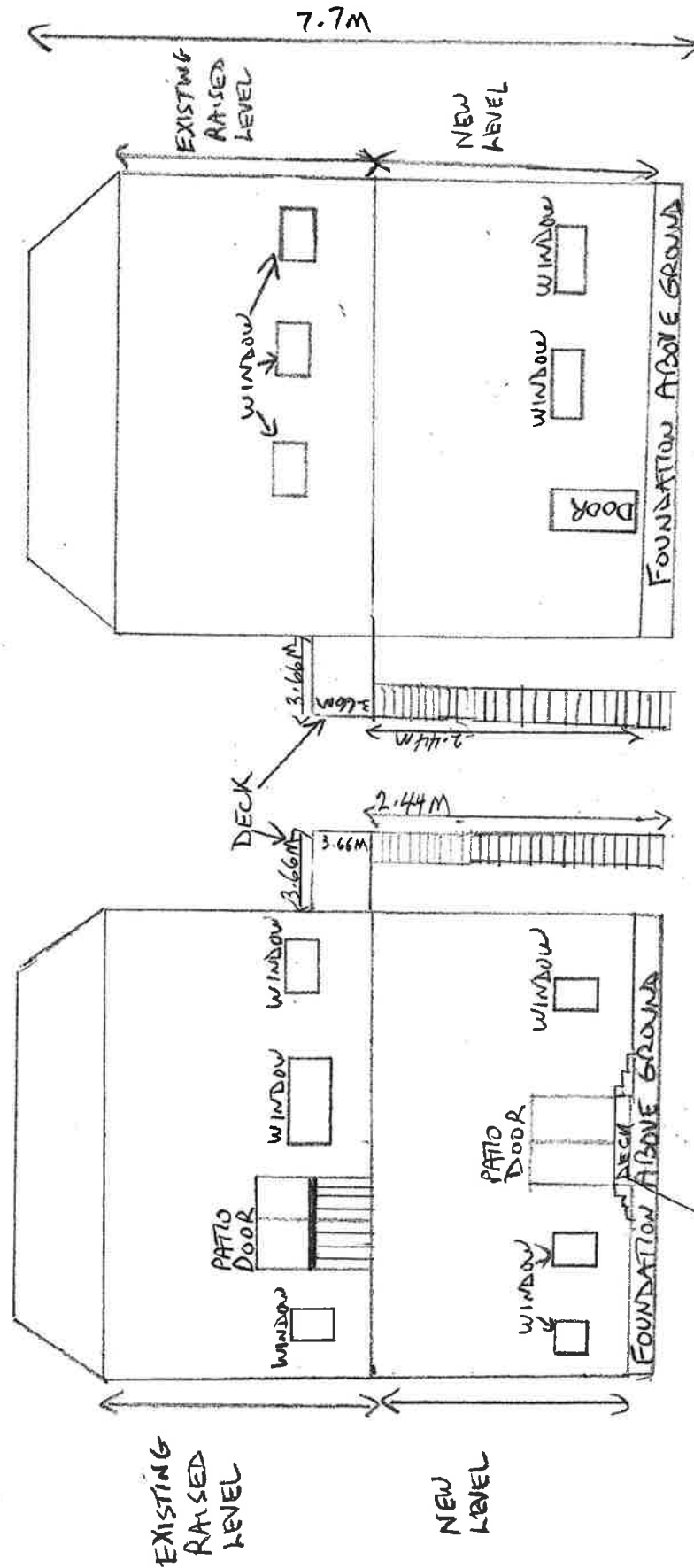
REPORT COA2019-019

FILE NO: D20-2019-011

PROPOSED VIEW

SHORELINE VIEW

ROAD VIEW



Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

APPENDIX " E "
to
REPORT COA2019-019
FILE NO. D20-2019-011

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
D20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Via E-Mail: ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: **Application for Minor Variance – D20-2019-011**
 Idele & Rod Hynes
 133 Oakdene Crescent Part of Lot 17, Concession C
 Geographic Township of Mariposa
 City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request variances from the provisions of the Township of Mariposa Zoning By-law, as amended. The purpose and effect is to request relief from the Zoning By-law in order to facilitate a one-story addition (creation of a lower level) to an existing single detached dwelling and the replacement of a wooden deck:

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within proximity to Lake Scugog. Kawartha Conservation regulates from the greater of the flooding/erosion hazard associated with Lake Scugog plus all lands within 15 metres from the limit of the greater of the hazards. The Regulatory Flood elevation associated with Lake Scugog is 250.9 metres above sea level (masl). Moreover, the subject lands are within 120 metres from the Starr Bay Provincially Significant Wetland (PSW). Kawartha Conservation regulates the PSW and all lands within 120 metres from the limit of the wetland feature.

In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, a permit is required from Kawartha Conservation prior to any of the following works taking place on the subject lands:

a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

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b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject lands are within KRCA's Regulated Area of the Watershed. The proposed works identified on the plans provided are within KRCA's regulated portion of the site. Please be advised that the applicant has obtained the requisite permit (P2018-391) for the proposed works under Ontario Regulation 182/06. KRCA staff note that the plans provided generally comply with the plans approved for the KRCA permit; however, the plans provided as part of this application indicate that an existing accessory storage shed (SHED 2 on the Site Plan) will be relocated to the limit of the existing dwelling approximately 15m from the shoreline of Lake Scugog. The plans on the Ontario Regulation 182/06 permit do not show SHED 2 being relocated. Should changes to the design be required, the applicant is advised that a permit revision pursuant to Ontario Regulation 182/06 may be required.

KRCA staff would like to note that the decision of the Land Division Committee does not bind KRCA under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, KRCA staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the Planning Act and the Conservation Authorities Act.

Flooding Hazards (Hazardous Lands)

To ensure conformity with Section 3.1 of the Provincial Policy Statement (PPS, 2014), Kawartha Conservation aims to prevent new development from locating in areas where there is a potential for loss of life and/or property damage from natural hazards. Moreover, KRCA Plan Review Policies (Section 2.4.2.4) for Natural Hazards identifies that applications shall not create new or exacerbate existing hazardous conditions. The proposed addition of habitable space to the existing dwelling does not encroach towards the hazardous lands associated with the flood elevation for Lake Scugog. In addition, precautionary flood-proofing conditions are stipulated within the special conditions of the aforementioned permit issued under Ontario Regulation 182/06.

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Fish Habitat

Lake Scugog is considered fish habitat. Policy 2.1.8 of Provincial Policy Statement states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

Lake Scugog is deemed fish habitat. The Ministry of Natural Resources and Forestry recommends a minimum 30 metre naturally vegetated buffer between development, and fish habitat. The proposed dwelling is within the recommended 30 metre buffer and the proposed deck represents a four (4) metre encroachment towards fish habitat; however, staff note that the proposed addition does not encroach any closer than the existing dwelling at its closest point and a large portion of the existing deck is being removed to facilitate a substantially smaller proposed footprint. While staff supports every effort to enhance fish habitat by having the proponent retain as many trees/shrubs as possible and vegetate the shoreline, staff do not require an Environmental Impact Study (EIS) specific to fish habitat as part of the application.

Recommendation

Based on our review of the natural hazards and natural heritage features adjacent to the property, Kawartha Conservation staff has no objections to the approval of Minor Variance Application D20-2019-012, provided the proposed works are constructed as per the plans permitted under Kawartha Conservation Permit P2018-0319.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation, via email
David Harding, City of Kawartha Lakes, via email
Quadri Adebayo, City of Kawartha Lakes, via email
Mark LaHay, City of Kawartha Lakes, via email

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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Norman Howard
Report Number COA2019-020

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Former Village of Sturgeon Point

Subject: The purpose and effect is to request relief from the following provisions:

Construction of a One-half Storey Single Detached Dwelling

1. Section 5.2 c. to reduce the minimum front yard from 9 metres to 4.20 metres;

Addition to a Detached Garage

2. Section 3.1 b. to reduce the rear yard setback from 1.2 metres to 0.2 metres,
3. Section 3.1 c(i). to increase the accessory building lot coverage requirement from 8% to 8.4%; and

Total Lot Coverage Provision for the Single Detached Dwelling and Detached Garage

4. Section 5.2 f. to increase the maximum lot coverage requirement from 20% to 30% in order to permit the construction of a house and an addition to a detached garage.

The variances are requested at 14 Fifth Street, former Village of Sturgeon Point (File D20-2019-012).

Author: Quadri Adebayo, Planning II **Signature:**

Recommendations:

Resolved That Report COA2019-020 Norman Howard, be received;

That minor variance application D20-2019-012 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling and the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D1 and Appendix D2 submitted as

part of Report COA2019-020, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;

- 2) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
- 3) **THAT** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, and shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 4) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>This application proposes to replace an existing dwelling built circa 1910 (MPAC) with a new one, and to construct an addition to an existing detached garage (also built circa 1910 - MPAC) located in the rear yard.</p> <p>The proposed development will increase the size of the buildings with a reconfigured footprint. This application was deemed complete on February 6, 2019.</p>
Proposal:	<p>To construct an approximately 128 square metre (1,377 square foot) one-half single detached dwelling, and an approximately 50 square metre (538 square foot) detached garage.</p>
Owner:	<p>Norman Howard</p>
Legal Description:	<p>Part Lot 100, Plan 73, former Village of Sturgeon Point, City of Kawartha Lakes</p>
Official Plan:	<p>Waterfront within the City of Kawartha Lakes Official Plan</p>
Zone:	<p>Single Residential Type One (R1) Zone within the Village of Sturgeon Point Zoning By-law 339</p>
Site Size:	<p>0.15 acres (607 square metres)</p>
Site Servicing:	<p>Private individual well and septic systems</p>

Existing Uses: Residential

Adjacent Uses: North, West, South and East: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

One-half Storey Single Detached Dwelling

The subject property is situated in an established residential neighbourhood. Along this portion of Fifth Street, most of the dwellings are single storey, though the dwellings on the opposite side of Fifth Street are between 1.5 - 2 storeys. The majority of the dwellings are also situated close to the street.

The proposed construction will assist in the rehabilitation of an aged building and improve the amenity space in the northerly side yard and front yard respectively than what is currently established by the footprint of the existing dwelling.

Respecting the increased lot coverage, the massing is not anticipated to adversely impact the character of the neighbourhood as the proposed new building will continue to appear as a one-half storey, similar to the structural design that currently exists. Regardless of the closeness of the dwellings along Fifth Street to the road, the scale of the proposed built form is anticipated to present a modest change to the streetscape. As well, a reduced lot frontage is not anticipated to adversely impact the function of the travelled portion of the road.

Addition to a Detached Garage

The reduced rear yard relief accounts for the rear wall footprint established by the existing garage that is being renovated. The wall boundaries of the proposed addition will maintain compliant rear and interior side yard setbacks of 1.2 metres. The said yards are anticipated to sufficiently function as naturalization amenity space that can retain and infiltrate surface water run-off.

The residential lots in the neighbourhood typically have their accessory buildings located in the rear yard. The location of the detached garage as proposed is considered to be in conformity with the accessory use character of the immediate neighbourhood. The row of trees in the southerly interior side yard is also presumed to help minimize any visual impact that may result from the scale of the addition to the neighbouring property to the south.

As the proposed development has not been identified to pose spatial separation issues or any negative impacts to servicing, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

One-half Storey Single Detached Dwelling

The existing building has a front yard setback of 4.1 metres while the new building is proposed to have a front yard setback of 4.2 metres. The 4.8 metre front yard relief from the minimum 9 metres required, proposed for the dwelling is not anticipated to impact its function as the scale of the reduction, if granted, is not anticipated to be perceptible.

The function of a front yard setback is to provide adequate spatial separation between the road allowance and dwelling for: road operations such as snow storage, maintaining sight lines for vehicles, separation between the road uses and residential uses, vehicular parking in the front yard, and landscaped open space for storm water infiltration. Sufficient space will remain within the side yards (which are compliant with the R1 Zone specifications) to facilitate access to the rear yard.

The majority of dwellings along Fifth Street were built in the early 1900s, and are located close to their respective front lot lines. The dwelling's increased coverage from approximately 17.3% to 21.7% in the same location is not anticipated to change the long-established sight lines as a height increment from 6.4 metres to 7.9 metres is still very well under the 11 metre maximum prescribed in the Zoning By-law.

Addition to a Detached Garage

The configuration of the proposed structure is directed away from any potential impact to existing servicing utility and has not been identified to pose any spatial separation issues. An increased lot coverage of 0.4% is also not anticipated to be discernible given that the proposed height will be less than the 5 metre maximum prescribed in the Zoning By-law at 3.6 metres.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Residential uses, along with accessory uses are anticipated within this designation.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the Waterfront designation. The proposed buildings will presumably maintain a low profile and blend with the natural surroundings.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

As of September 25, 2018, the applicant has initiated a septic system installation permit under the requirements of Part 8 of the Ontario Building Code based the proposed application. Therefore, the Part 8 Sewage Systems Supervisor has

determined that their comment will not be required in the Planning Report for the minor variance.

Servicing Comments:

The property will be serviced by a private individual well and septic systems.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building Division – Plans Examiner (March 7, 2019): No concerns.

Kawartha Conservation Authority (March 7, 2019): No objection to the proposed variances provided construction proceeds as per the plans permitted under their permit. See comments.

Public Comments:

No comments as of March 12, 2019.

Attachments:



Appendices A-E to
Report COA2019-020

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawings
Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-012

D20-2019-012





Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

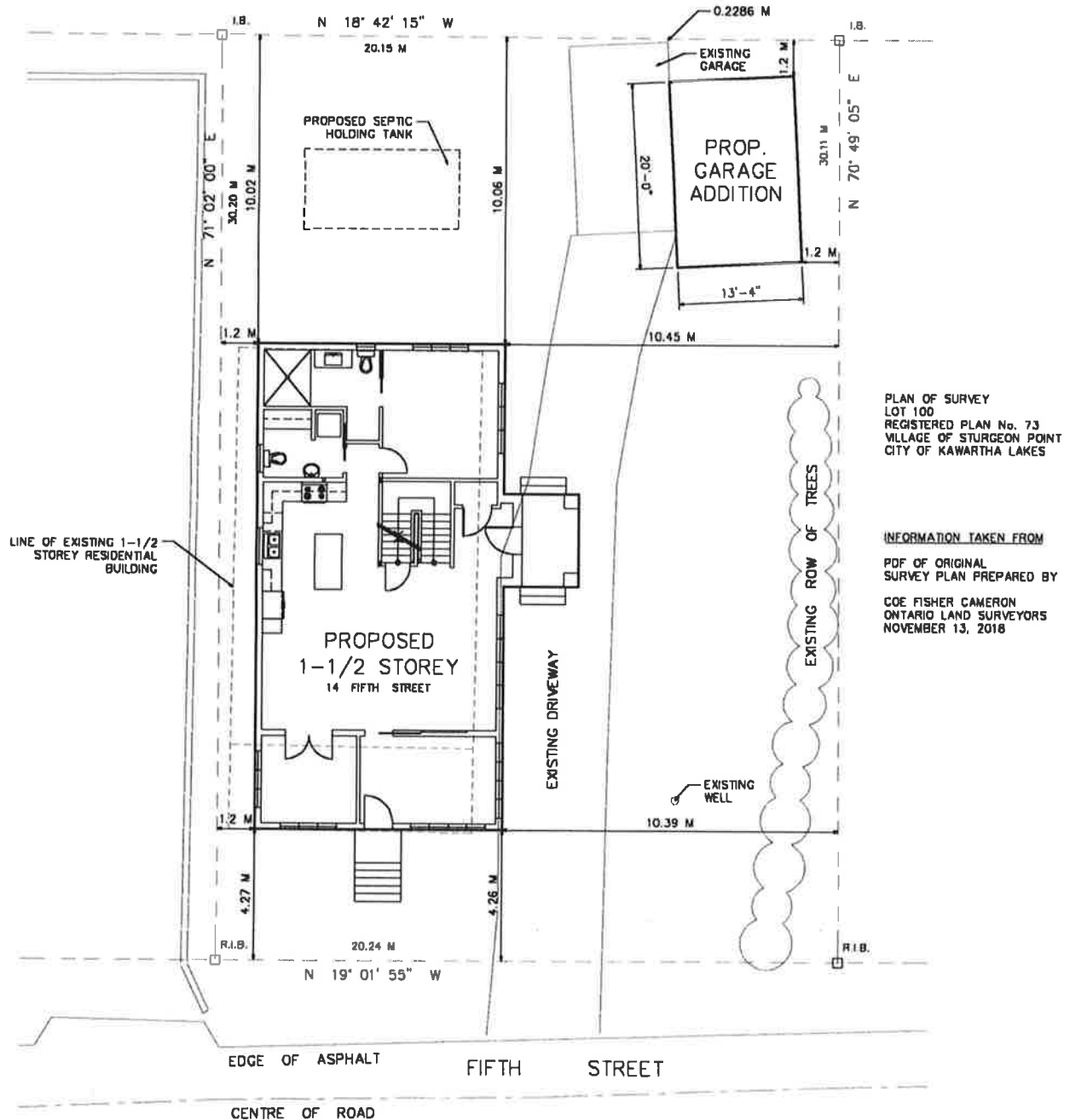
APPENDIX: C

to

REPORT COA2019-020

FILE NO: D20-2019-012

Site Plan Sketch



SITE PLAN
SCALE: 1/8" = 1'-0"



APPENDIX: D1

to

REPORT COA2019-020

FILE NO: D20-2019-012

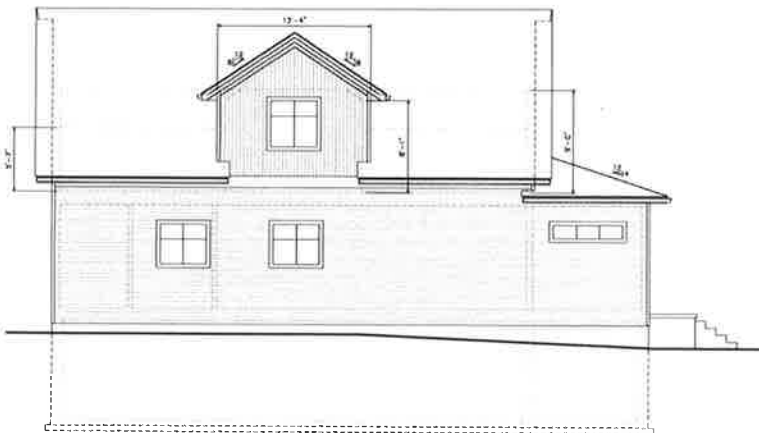
House Elevation



WEST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"

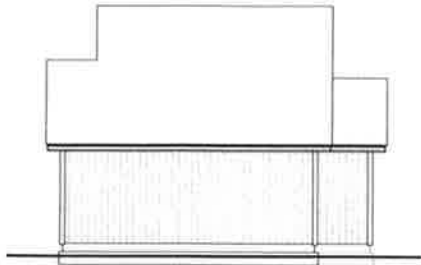


NORTH ELEVATION
SCALE 1/4" = 1'-0"

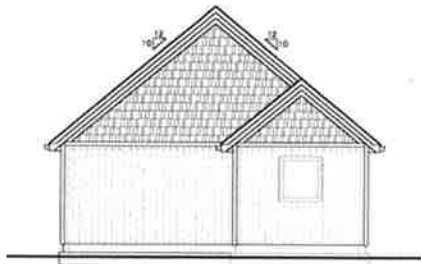


EAST ELEVATION
SCALE 1/4" = 1'-0"

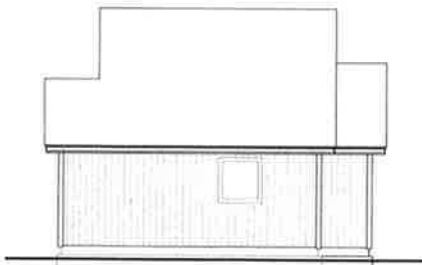
Garage Elevation



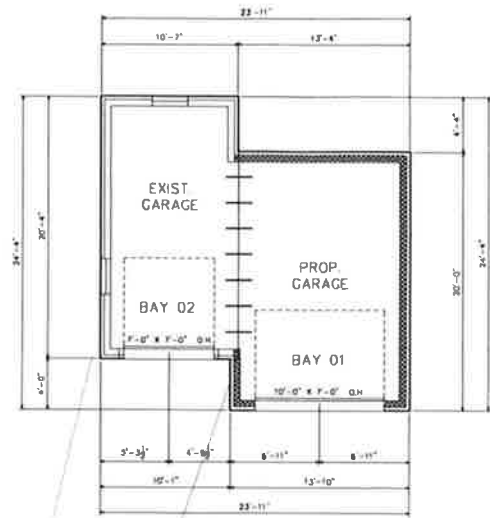
WEST ELEVATION
SCALE: 1/4" = 1'-0"



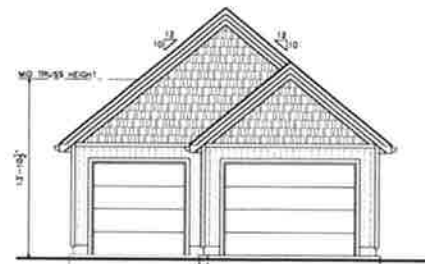
EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

APPENDIX " E "
to

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT CoA2019-020

FILE NO. D20-2019-012

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
D20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





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March 07, 2019
KRCA File No 16886
X-REF: 16862
Page 1 of 3

APPENDIX " E " 1
to
REPORT CA 2019-020
FILE NO. D20-2019-012

Via E-Mail: ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2019-012
Norm Howard (Agent: Kevin Clynch)
14 5th Street (Sturgeon Point)
Geographic Township of Fenelon
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the provisions of the Township of Fenelon Zoning By-law, as amended. The purpose and effect is to request relief from the following provisions in order to facilitate the reconstruction of a single detached dwelling and detached garage:

1. Section 5.2c to reduce the front yard setback from 9.0 metres to 4.25 metres in order to facilitate the construction of a single detached dwelling;
2. Section 5.2f to increase the maximum lot coverage from 20% to 30.1 %;
3. Section 3.1ci to increase the accessory building coverage from 8% to 8.4%, and;
4. Section 3.1b to reduce the accessory building from rear yard setback from 1.2m to 0.3m

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within proximity to Sturgeon Lake. Kawartha Conservation regulates from the greater of the flooding/erosion hazard associated with Sturgeon Lake plus all lands within 15 metres from the limit of the greater of the hazards.

In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, permissions are required from Kawartha Conservation prior to any of the following works taking place on the subject lands:

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March 07, 2019
KRCA File No 16886
X-REF: 16862
Page 2 of 3

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject lands are within KRCA's Regulated Area of the Watershed. The proposed works identified on the plans provided are within KRCA's regulated portion of the site. Please be advised that the applicant has obtained the requisite permit (P2019-047) for the proposed works under Ontario Regulation 182/06. KRCA staff note that the plans provided generally comply with the plans approved for the KRCA permit. Should changes to the design be required, the applicant is advised that a permit revision pursuant to Ontario Regulation 182/06 may be required.

KRCA staff would like to note that the decision of the Land Division Committee does not bind KRCA under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, KRCA staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the Planning Act and the Conservation Authorities Act.

Recommendation

Based on our review of the natural hazards and natural heritage features adjacent to the property, Kawartha Conservation staff has no objections to the approval of Minor Variance Application D20-2019-012, provided the proposed works are constructed as per the plans permitted under Kawartha Conservation Permit P2019-047.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

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Yours Truly,

Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation, via email
David Harding, City of Kawartha Lakes, via email
Quadri Adebayo, City of Kawartha Lakes, via email
Mark LaHay, City of Kawartha Lakes, via email
Kevin Clynch, Kevin Clynch Ltd., via email

March 07, 2019
KRCA File No 16886
X-REF: 16862
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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cannon and Robbins
Report Number COA2019-021

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 20.1.b.(iv) to reduce the minimum setback from the front lot line from 15 metres to 4.2 metres in order to permit the construction of a detached garage in the front yard.

The variances are requested at 268 Pigeon Creek Road, geographic Township of Manvers (File D20-2019-013).

Author: Quadri Adebayo, Planning II **Signature:**

Recommendations:

Resolved That Report COA2019-021 Bradley and Donna Cannon and Terry Robbins, be received;

That minor variance application D20-2019-013 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-021, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, and shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 3) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit

the placement of any other accessory buildings or structures between the front wall of the dwelling and the front lot line;

- 4) **THAT** prior to the issuance of a building permit for the detached garage, the steel storage container located in the front yard be removed from the property to the satisfaction of the Chief Building Official;
- 5) **THAT** prior to construction of the detached garage, the applicant shall obtain permit from Kawartha Conservation (KRCA). This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that permitting process has been initiated by the applicant;
- 6) **THAT** as part of building permitting process, upon the complete construction of the detached garage, there be a requirement that the shed (Shed 2) located in the front yard between the eastern wall of the dwelling and the easterly property line shall be removed from the property to the satisfaction of the Chief Building Official; and
- 7) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-021. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: As of right, a garage accessory to a residential use is permitted in the front yard in a Rural Residential Type One (RR1) Zone within the Manvers Township Zoning By-law, subject to a minimum setback of 15 metres from the front lot line and 6 metres from the side lot line.

The subject property has a RR1 Zone category and contains three other accessory structures: Shed 1 – located in the rear yard, Shed 2 – located in the front yard, and a steel storage container. The proposal seeks to construct a detached garage in the front yard at a reduced setback from the front lot line, with an intention to remove Shed 2 and the steel storage container from the property as part of the approvals process.

This application was deemed complete February 19, 2019.

Proposal: To construct an approximately 55.7 square metre (599.3 square foot) detached garage.

Owner: Bradley Cannon, Donna Cannon and Terry Robbins

Legal Description: Part Lot 5, Concession 12, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Prime Agricultural

Zone: Rural Residential Type One (RR1) Zone within the Township of Manvers Zoning By-law 87-06

Site Size: 0.24 acres (957.3 square metres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North, East and South: Residential, Agricultural & Open Space Lands
West: Agricultural

Rationale:

1) Is the variance minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

Although the garage is permitted in the front yard in the Manvers Township Zoning By-law, it appears that the proposed structure cannot practicably meet the 15 metres minimum front yard requirement due to the existence of a septic bed approximately 5 metres behind the proposed location of the structure. In addition, following discussions with applicant during pre-screening about re-orienting the footprint of the proposed detached garage or reducing the size of the structure as reasonably possible, staff have been able to confirm the potential hardship claimed by the applicant through observation during site inspection. The elevated topography beside the proposed structure to the west appears to present a constraint. Likewise, a reduction in the size of the proposed garage may not sufficiently fit the applicants' 5.7 metre (19 feet) long vehicle nor have supplementary room to store items that would be transferred from the existing shed (Shed 2) in the front yard, which the applicant has indicated will be removed once the garage is built.

In all other respects, the scale of the proposed garage is not anticipated to take away from the rural character of the neighbourhood as the reduced gradient of the proposed building location is anticipated to limit any visual impact to the neighbouring property to the north and to vehicular traffic along Pigeon Creek Road respectively. As well, sufficient vegetation exists around the location of the proposed structure to mask the massing accordingly.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

Yes

The Rural Residential Type One (RR1) Zone provision contemplates accessory uses as ancillary to a principle use. The accessory building under the scope of this variance application is proposed as devoted uses to the detached dwelling on the subject property.

Further, the physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of siting the proposed accessory buildings in accordance with the front yard requirements. The reduced front yard setback, if granted, is not anticipated to be perceptible. Sufficient amenity space will remain within the said yard to facilitate access to other portions of the property.

In all other respects, the proposed height of the detached garage appears to comply with the maximum height of 5 metres as prescribed in Zoning By-law.

Considering the proposed structure will result in a compliant lot coverage requirement for accessory buildings at approximately 6.4% where 8% maximum is required (existing shed in the rear yard inclusive), the variance maintains the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

Accessory buildings are contemplated as ancillary to residential uses on residential lots of record within the Prime Agricultural designation. The proposed location of the accessory building is not anticipated to negatively impact the rural residential character of the surrounding properties.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by private individual well and septic systems.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building Division – Part 8 Sewage Systems (November 19, 2018): No objection. See comments.

Building Division – Chief Building Official (March 7, 2019): No concerns.

Kawartha Region Conservation Authority - KRCA (March 8, 2019): KRCA proffered two recommendations. The first recommendation requires the applicant to obtain permits from them prior to the construction of the detached garage. The second recommendation requires the applicant to provide a tree inventory/preservation plan as part of the permitting process (if any) trees will be removed. Planning staff advise that the second recommendation may not be applicable as observation from site visit suggests there are no trees in the location of the proposed structure.

Public Comments:

No comments as of March 11, 2019.

Attachments:

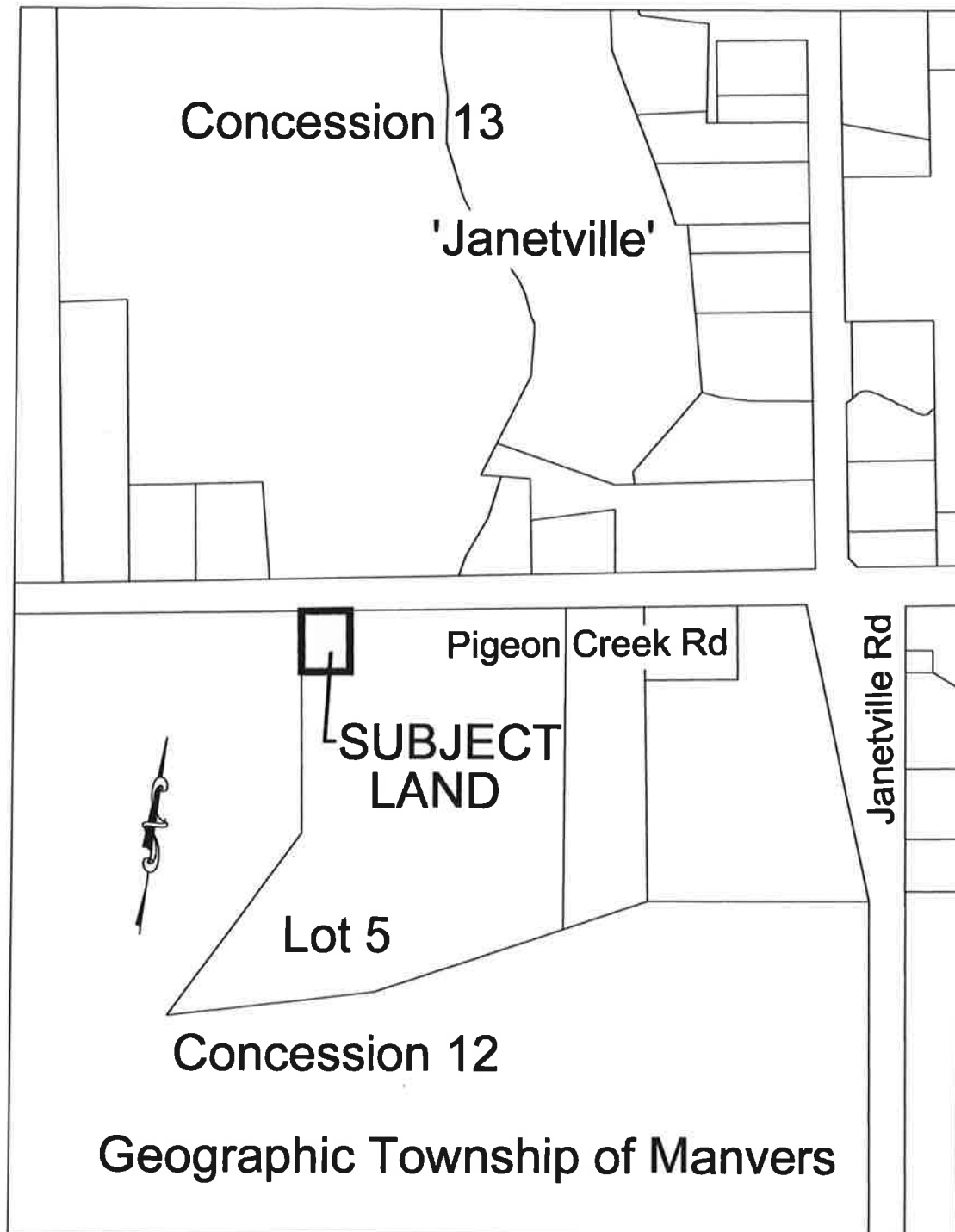


Appendices A-E to
Report COA2019-021

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawing
Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-013

D20-2019-013



APPENDIX: B

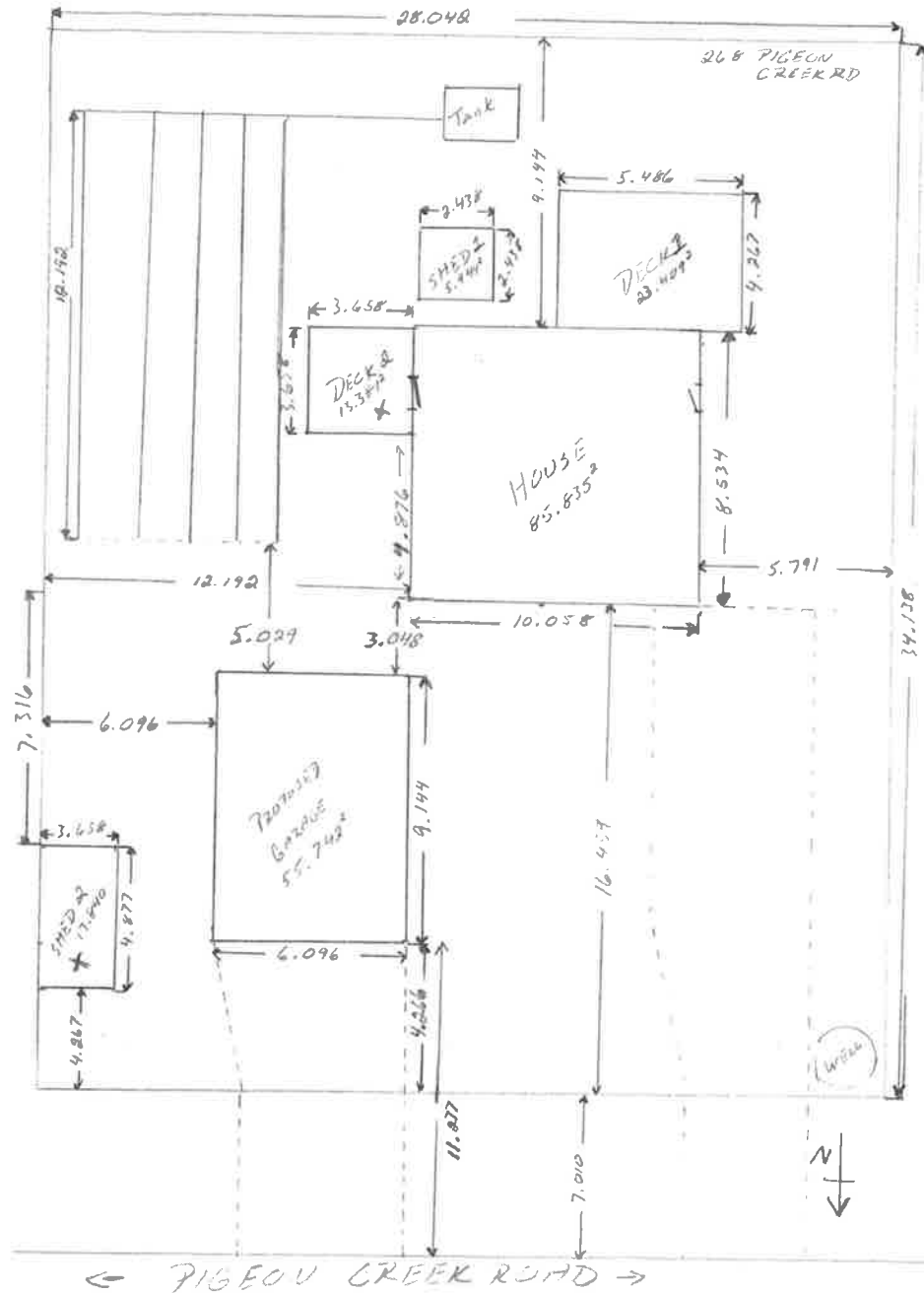
to

REPORT COA2019-021

FILE NO: D20-2019-013

268 Pigeon Creek Road, Geographic Township of Manvers



Site Plan Sketch

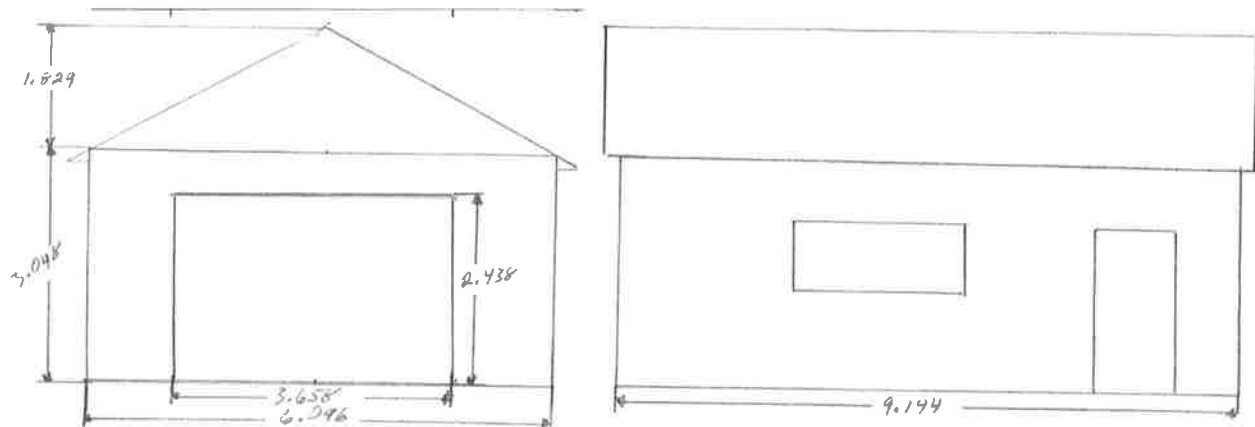
APPENDIX: D

to

REPORT COA2019-021

FILE NO: D20-2019-013

Front & Side Elevation Drawing





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 2126
1-888-822-2225
Fax: 705-324-5514
website: www.kawarthalakes.ca

November 19, 2018

Brad Cannon
268 Pigeon Creek Road,
Janetville, ON
L0B 1K0

APPENDIX " E "
to

REPORT COA2019-021

FILE NO. D20-2019-013

Dear Mr. Cannon,

**RE: Construction of a Detached Garage
268 Pigeon Creek Road, Janetville ON
CON 12 PT LOT 5
Former Manvers Township
City of Kawartha Lakes
File: SS2018-0390
Roll # 165100804007600
Owner(s): Brad Cannon**

Please be advised we have received and reviewed your application for an addition and completed a site visit. Specifically, we reviewed the **proposal to construct a Detached Garage**, at the above-mentioned property.

We were unable to provide a file number for your existing sewage disposal system, which may indicate that the sewage system was installed prior to 1974, or was installed/alterd without the required permit.

1. Number of Bedrooms – 3
2. Number of Fixture Units – <20
3. Total Living Space – <200 m²

Based on your application, it would appear that the plans for the garage will not encroach within the boundaries of the existing sewage system serving the dwelling, nor will it cause an increase in the total daily sewage flow. In that light, you are not required to install a new sewage system, or upgrade your existing one and, we have **no objection** to the proposal.

However, given the uncertainties for what is in the ground it is **strongly recommended that you consider updating the sewage system to today's standards**. When the sewage system requires to be replaced, the minimum setbacks established as per the Ontario Building Code shall be maintained and it will be sized according to the current standards in effect.

APPENDIX " E "
to

REPORT COA2019-021

FILE NO. D20-2019-013

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
D20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





March 08, 2019
KRCA File No 16898
Page 1 of 4

APPENDIX " E "

to
REPORT CoA2019-021

FILE NO. D20-2019-013

Via E-Mail: ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: **Application for Minor Variance – D20-2019-013**
 Brad & Donna Cannon, Terry Robbins
 268 Pigeon Creek Road, Part of Lot 5, Concession 12
 Geographic Township of Manvers
 City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

We understand the application is to consider relief from the Township of Manvers Zoning By-Law as it relates to an increase in maximum lot coverage and lot coverage for an accessory structure (detached garage).

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is within the KRCA's Regulated Area, as it is adjacent to Janetville Creek. Kawartha Conservation regulates Janetville Creek and the greater of the flooding or erosion hazard associated with Janetville Creek. The valley system and associated slope (greater than 2 metres in height and/or steeper than 3:1 horizontal-to-vertical units) appears to be the greater of the regulated features and may be unstable and/or pose an erosion hazard. The extent of the erosion hazard is generally described as the landward limit of three components: 1) a toe erosion allowance (15 metres inland from the toe of the slope, unless otherwise determined through a site-specific study); 2) a projected stable slope allowance (typically 2:1 horizontal-to-vertical units on Crystal Lake, projected inland from the toe erosion allowance unless otherwise determined through a site-specific study); and, 3) an erosion access allowance (typically 6 metres). Development within the erosion hazard and/or within 15 metres of the erosion hazard is subject to KRCA's current erosion hazard policies for Accessory Buildings or Structures 4.5.3(5).

In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, a permit is required from Kawartha Conservation prior to any of the following works taking place:

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. The construction of the detached garage will require a permit pursuant to Kawartha Conservation Policy 4.5.3(5) (Accessory Buildings or Structures-Erosion Hazards). The applicant is advised to contact Stacy Porter, Planning and Regulation Technician, at (705) 328-2271 ext. 231 or sporter@kawarthaconservation.com for additional information regarding the permitting process.

KRCA staff would like to note that the decision of the Committee of Adjustment does not bind KRCA under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, KRCA staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the *Planning Act* and the *Conservation Authorities Act*.

Fish Habitat

Janetville Creek is considered fish habitat. Policy 2.1.8 of *Provincial Policy Statement* states,

"Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions".

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation's mapping, the proposed detached garage is over 30 metres from fish habitat; therefore, staff are of the opinion that no negative impacts will be presented to fish or fish habitat as a result of the application.

Significant Woodlands

The subject property appears to contain Significant Woodlands as identified within the City of Kawartha Lakes Official Plan (OP) and the Growth Plan for the Greater Golden Horseshoe (GPGGH). In keeping with the provisions of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (GPGGH) and Kawartha Conservation Policies, new development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield or within 120 metres of significant woodlands, unless it has been demonstrated that there will be no negative impact on the woodlands or adjacent lands or on their ecological functions. The proposed garage is proposed to be constructed within 120 metres of the significant woodlands. Typically, a Natural Heritage Evaluation (NHE) is required to demonstrate no negative impacts on the ecological function of the significant woodlands.

Given the site-specific constraints on the property and in lieu of a formal NHE, staff recommend a tree inventory/preservation plan be prepared by the applicant, identifying any trees to be removed as part of the application. If tree removal is required, adherence to the Migratory Bird Act as well as the Fish and Wildlife Conservation Act must be followed (i.e. Tree inspection for nests/eggs must be undertaken prior to removal of trees and cannot occur during the nesting /breed season of migratory birds). The tree inventory /preservation plan is recommended to be submitted as part of the Ontario Regulation 182/06 permit to facilitate the construction of the detached garage.

Recommendation

Based on our review of the above information, staff can **recommend conditional approval of Minor Variance File D20-2019-013**, provided the following conditions being addressed to our satisfaction:

1. The applicant obtains a permit pursuant to Ontario Regulation 182/06, for construction of the detached garage on the subject lands, and;
2. The applicant provides a tree inventory/preservation plan as part of the Ontario Regulation 182/06 permit, identifying mature trees on the property and trees to be removed (if any) in order to facilitate construction of the garage. The plans are to include notes regarding adherence to the Migratory Bird Act and Fish and Wildlife Conservation Act regarding the inspection of trees for nests/eggs prior to any removal and tree removal cannot occur during the nesting/breeding season.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.



March 08, 2019
KRCA File No 16898
Page 4 of 4

Yours Truly,

Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation, via email
David Harding, City of Kawartha Lakes, via email
Quadri Adebayo, City of Kawartha Lakes, via email
Mark LaHay, City of Kawartha Lakes, via email

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Carroll
Report Number COA2019-015

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: Applications to sever four residential lots, with areas ranging from 0.35 hectares to 0.47 hectares, and retain approximately 15.3 hectares of vacant rural land. The property is located at 305 St. Luke's Road, geographic Township of Emily (Files D03-16-015, D03-16-016, D03-16-017, D03-16-018).

Author: Janet Wong, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-015, Robert and Shari Carroll, be received;

That consent application D03-16-015, being an application to sever 0.47 hectares with an existing dwelling, with the conditions of provisional consent substantially in the form attached as Appendix "H1" to Report COA2019-015, be **Granted**;

That consent application D03-16-016, being an application to sever 0.35 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H2" to Report COA2019-015, be **Granted**;

That consent application D03-16-017, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H3" to Report COA2019-015, be **Granted**;

That consent application D03-16-018, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H4" to Report COA2019-015, be **Granted**; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Background:

The owners have applied to sever four residential lots on the north side of St. Luke's Road in the hamlet of Downeyville. The original applications intended to sever a total of 1.8 hectares and retain lands with frontage on St. Luke's Road and Sturgeon Road. After receiving comments from the agencies and the City, applications D03-16-015 (Lot 1) and D03-16-016 (Lot 2) were reconfigured to address entrance and natural heritage features. Applications D03-16-017 (Lot 3) and D03-16-018 (Lot 4) remained the same. Thus there is a total area being severed of 1.6 ha and retained lands of 15.3 ha. (approximate). See Appendices C to D inclusive.

Emily Creek crosses the retained lands flowing northerly through an unevaluated wetland and woodland. The creek is about 120 metres away from the closest proposed lot line. The balance of the property is meadow and culturally maintained. A ridge, about 10 metres high, crosses the severed lands. An existing residence would be located on Lot 1.

These applications were deemed complete June 2, 2016.

Owners: Robert and Shari Carroll
Applicant: EcoVue Consulting Services Inc. (Ken Hurford)
Legal Description: Lot 6, Concession 10, geographic Township of Emily, now City of Kawartha Lakes
Official Plan: "Hamlet" - retained and severed lands
"Environmental Protection" and "Prime Agricultural" - retained lands
City of Kawartha Lakes Official Plan
Zone: "Agricultural (A1) Zone" - severed and retained lands
"Environmental Protection (EP) Zone" - retained lands
Township of Emily Zoning By-law 1996-30
Site Size: Existing – 16.9 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-015 (Lot 1)	0.47	16.43
D03-16-016 (Lot 2)	0.35	16.08
D03-16-017 (Lot 3)	0.40	15.68
D03-16-018 (Lot 4)	0.40	15.28
Total	1.6	15.3

Site Servicing: Private individual wells and septic systems
Existing Uses: Large lot rural residential
Adjacent Uses: North: Agricultural

East: Hamlet: Residential, Commercial and St. Luke Catholic
Elementary School
South: Agricultural, Hamlet: Residential and Church
West: Agricultural

Rationale:

The applicant submitted the following reports and plans in support of the applications, which were circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report (EcoVue Consulting Services, dated May 12, 2016). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2017), City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law 1996-30.
2. Environmental Impact Study - 305 St. Luke's Road, City of Kawartha Lakes (Cambium, dated August 5, 2015) (EIS). The report identifies and assesses the natural heritage features in the context of the proposed severances and 2014 Provincial Policy Statement Natural Heritage and Natural Hazard policies. The EIS was prepared to cover lands within 30 metres of the proposed lots.
3. Hydrogeological Assessment – Lot 6, Concession 10, Township of Emily (Cambium Inc. dated February 18, 2016). The report evaluates ground water quantity and quality to determine the availability of a potable well water supply to service three (3) proposed vacant residential lots for development as Lot 1 has an existing dwelling.
4. Emily Creek Floodplain Analysis (C.C. Tatham & Associates, dated September 25, 2015). The analysis establishes the flood elevation across the site.
5. Consent Sketches (EcoVue Consulting Services, dated May 11, 2016).

Minimum Distance Separation calculations to establish the distance between proposed lots and existing barns and manure storage facilities are not required as the proposed lots are within a settlement area. Subsequent to receiving comments from City Departments and Agencies, additional information was provided to address entrances, drainage, grading, and natural heritage features and the lots were reconfigured as illustrated on the consolidated revised sketch (dated August 16, 2017) in Appendix D and which are being tabled before the Committee.

The Planning Justification Report along with subsequent supporting information advises that the severed lands would be consistent with both provincial and municipal planning policies and documents as supported by the EIS, hydrogeological assessment and delineation of the flood plain.

The EIS concluded that a small portion of the woodlands on the retained lands, Lot 2 and Lot 3 could be considered significant due to connection with wetland habitat. A 30 metre setback for buildings and septic systems from the wetland and candidate

woodland area was identified as adequate to mitigate any potential impacts. The EIS also identified 'cultural woodland' which was not classified as significant.

The hydrogeological assessment concluded that there is sufficient water quantity for individual wells without interfering with existing wells. For water quality, four water quality parameters were discussed based on criteria from Provincial Drinking Water Quality Standards (ODWQS):

	Parameter	Category	Concentration
1	Nitrate/Nitrite	Health related	Elevated
2	Hardness	Aesthetic	Exceeded
3	Sodium	Aesthetic	Elevated
4	Chloride	Aesthetic	Elevated

The recommendation was that dwellings should be equipped with treatment systems and particularly reverse osmosis to treat nitrate/nitrites. The report also indicated that "additional water quality monitoring for nitrates should be considered in the absence of treatment, and continue until a favourable trend (reducing concentrations) is established."

The flood plain analysis defined the flood plain as 254.56 metres above sea level in the vicinity of the proposed lots. The proposed lots are about 30 metres from the flood plain.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed severance.

Policy Conformity

Provincial Policy Statement, 2014 (PPS)

Under the PPS, the subject property is considered to be Rural Settlement Area within the Rural Area of the City. Rural Settlement Areas shall be the focus of growth and development. Where there is no municipal or communal servicing, individual on-site water and sewage services may be used for infilling and minor rounding-out of existing development. Implicit with the provision of water and sewage services is that they be provided in a manner that protects human health and the natural environment.

The PPS also requires the proposed development to have no negative impact on significant natural features and their ecological functions. The EIS identified unevaluated wetland and candidate significant woodland proximate to the severed lands.

The PPS also requires the proposed development to be located outside the flood plain and erosion hazard. The proposed lots are outside the floodplain and there was no

erosion hazard associated with Emily Creek identified. There is also sufficient area on the retained lands for development outside of flood risk areas.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. The Growth Plan directs development to settlement areas and in particular new multiple lots in the Rural Area. The severed lands are outside the Agricultural System and Natural Heritage System for the Growth Plan as these Systems are outside of settlement areas. The proposal conforms with the policies of the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan)

In keeping with Provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas, including rural settlement areas.

The subject property is designated “Hamlet” in the Official Plan; “Environmental Protection (EP)” designation follows Emily Creek; and, “Prime Agricultural” designation is over the north-west corner of the retained lands. Four (4) consents fronting on St. Luke’s Road are permitted provided that there is adequate potable water supply as well as having access and not inhibiting logical growth on the retained lands. The minimum lot size should be 0.4 hectares.

Consent policies indicate the minimum lot area should be 0.4 hectares. The average lot size is 0.4 hectares, with Lot 1 being slightly larger and Lot 2 being slightly smaller. Lot 1 is irregular in shape (Appendix “D”). The 52.92 metre lot line should be extended to meet the side lot line eliminating the jog in the proposed property line. It is estimated that the reduced lot area would still place the average lot area at 0.4 hectares.

The EP designation may be refined through a flood plain study. The Study has refined the flood plain limit and demonstrated that the proposed lots are outside the flood plain, as well, access routes to permit future development on the retained lands will not be compromised. While the EP designation does not reflect the entire flood plain, an Official Plan amendment is not required as the Study refines the boundary.

The Natural Heritage System (NHS) includes unevaluated wetlands and significant woodlands. An EIS confirms the boundaries of natural heritage features (using Ecological Land Classification – ELC) and assesses the potential impacts from the development on the features and functions. The EIS identified meadow marsh and White Cedar coniferous forest as significant vegetation communities that City staff considers to be part of the NHS.

Contiguous with these features is ‘cultural woodland-moist’ on the retained lands and small portions of the severed lands (Lots 3 and 4). The PPS does not limit the identification of woodlands to ELC ‘forest types’. Staff considers the ‘cultural woodland-moist’ to also be significant being contiguous with and meeting at least the same criterion for significance as the White Cedar coniferous forest.

The proposed lot lines for Lot 2 and Lot 3 minimizes the extent of significant woodland on these lots. The Study recommended buffer of 30 metres from the White Cedar coniferous forest should be applied to the 'cultural woodland-moist' on Lots 2, 3, and 4. A 30 metre buffer from the wetland is supported for Lot 1 which is developed. Staff is recommending that the woodland, wetland, and 30 metre buffer be zoned as "Environmental Protection (EP) Zone", with no additional setback from the EP Zone boundary, for development to meet the intent of Provincial and City policy of no negative impact on these natural features. The approximate extent of the affected area is illustrated in Appendix "E".

Lots may also be permitted when it has been established that there is sufficient potable water. The applicant has demonstrated that there will be sufficient quantity of water to supply three new dwellings and not affect other wells.

With respect to water quality, nitrate/nitrite is a health-related parameter with a maximum acceptable concentration of 10mg/L. The applicant's original water quality testing was on samples taken in December 2015. Upon concerns with elevated nitrate/nitrite levels based on one sample time expressed by the City, water samples through several seasons were tested. It has been confirmed that there would not be fluctuations in nitrate/nitrite levels above maximum acceptable concentrations. Staff concur with the consultant's recommendation for water treatment as this parameter is elevated. A consent agreement, registered on title, is recommended to ensure future landowners are aware that reverse osmosis treatment is recommended or water quality monitored where treatment is not installed.

Following Provincial Drinking Water Quality Standards (ODWQS), chloride, sodium and hardness levels are elevated or exceeded, however are at concentrations that can be treated for domestic purposes. Future landowners should be made aware of high concentrations for these water quality parameters and treatment may be desirable. This would also be included in the consent agreement as a warning on title.

Zoning By-law Conformity

The severed lands are zoned "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30. The proposed use is permitted. While the proposed lots do not meet the minimum lot area and lot frontage requirements, The A1 Zone (Section 7.2.1.7) allows for use and development in accordance with "Rural Residential Type One (RR1) Zone" requirements. However being in a Hamlet, a "Hamlet Residential (HR) Zone" would be more appropriate as it allows for a wider range of suitable residential uses and the balance of Downeyville residential properties are zoned HR Zone. It is recommended that the lands be rezoned to an HR Zone.

The lot to be retained is zoned as "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone". The proposed lot would not meet the minimum lot area requirement nor minimum lot frontage as a "through lot". As well, Section 3.13.1 requires that no lot shall be created within multiple zones unless the lot complies with the minimum lot area and lot frontage of the applicable zones. An amendment to the

Zoning By-law would be required in order for the retained lands to comply with the Zoning By-law.

The EP Zone covers most of the woodland and wetland area on the property. Development should not be located within the significant forest and rezoned as identified previously.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

Lots 2 to 4 inclusive and the retained lands will be serviced by new private well and septic system. Lot 1 has a private well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency and City Comments:

Building Division – Building Inspection (August 18, 2016): No concerns

Building Division – Sewage Inspection (July 26, 2016, September 7, 2017, February 8, 2019): Future owners be advised that backwash from treatment systems for drinking water should not be directed to septic systems. See comments.

Community Services Department (August 31, 2016): Cash-in-lieu of parkland required for each lot.

Development Engineering Division (September 13, 2017, January 19, 2019): recommends entering into a Consent Agreement with the City for the four lots and registering a drainage easement over Lot 4. See comments.

Environmental Services Division – (September 15, 2017, November 16, 2018): Recommends that a warning clause be included in a consent agreement to ensure that drinking water is tested annually and treated if necessary for bacteria and pathogens.

Kawartha Region Conservation Authority (November 24, 2016, August 30, 2017): No concerns. See comments.

Peterborough Victoria Northumberland and Clarington Catholic District School Board (PVNC School Board) (February 21, 2019): drainage from St. Luke Catholic Elementary School does not enter the drainage pipe. Requested a drainage easement in favour of the School Board over D03-16-018. See comments.

Public Comments:

Mr. Lucas (August 31, 2016): Please advise of decision. See comments.

Jean and Kathy Johnson (August 21, 2016): Concerns with traffic safety, impact on their water supply. See comments.

Planning Analysis:

Staff spoke with Ms. Johnson regarding her concerns. The consultant has demonstrated to Engineering staff that the proposed entrances will not present a safety hazard and that water quantity will not be adversely affected.

Drainage from the City road allowance has been piped across St. Luke Catholic Elementary School and the pipe terminates at Lot 4. Water flows overland from the outlet. Staff for the PVNC School Board has confirmed that drainage from the school property does not utilize the pipe and have not identified any future requirement for drainage across the Carroll property utilizing the drainage pipe. An easement would confer responsibility on the PVNC School Board to maintain the pipe and the drainage route within the easement for water that is not from their property. As such, Planning Staff are of the opinion that an easement in favour of the School Board is not warranted.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2017 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lots will be developed based on the revised concept include:

1. zoning by-law amendment for:
 - a. the severed lands to HR-* Zone and EP Zone to restrict development within natural heritage features and the 30 metre buffer with no further setback requirement from the EP Zone,
 - b. permit an undersized retained lot with two zones,
 - c. a part of the retained lands to EP Zone to reflect the boundary of the significant natural heritage features and flood plain;
2. a consent agreement be registered on title that includes:
 - a. a lot grading and drainage plan, which will identify entrances, building envelope, and septic system locations
 - b. erosion and sediment control plan; and
 - c. water quality warnings and recommendations
3. entrance permit
4. cash in lieu of parkland; and
5. specific to Lot 4, a drainage easement, in favour of the City, over the drainage route and existing drainage structure to allow for operation and maintenance associated with the conveyance of drainage from the St. Luke's road allowance.

Attachments

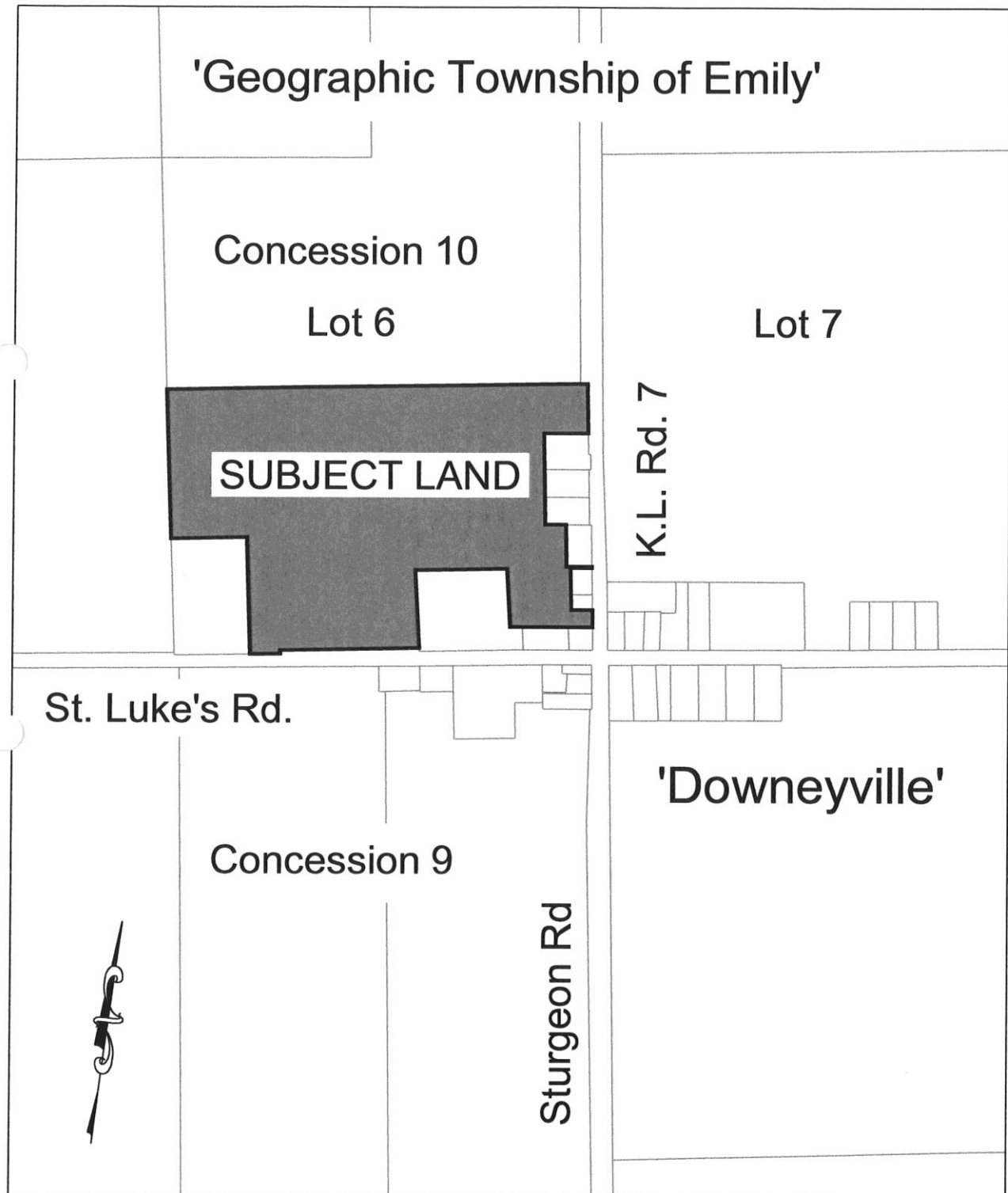


Appendices A-H.pdf

Appendix A – Location Map
Appendix B – Orthoimage
Appendix C – Applicant's Sketch Original
Appendix D – Applicant's Sketch Revised
Appendix E – Illustration of Proposed Extent of Environmental Protection Zone
Appendix F – City and Agency Comments
Appendix G – Public Comments
Appendix H – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1330
E-Mail: jwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D03-16-015, D03-16-016, D03-16-017, D03-16-0

D03-16-015, D03-16-016, D03-16-017, D03-16-018





Legend

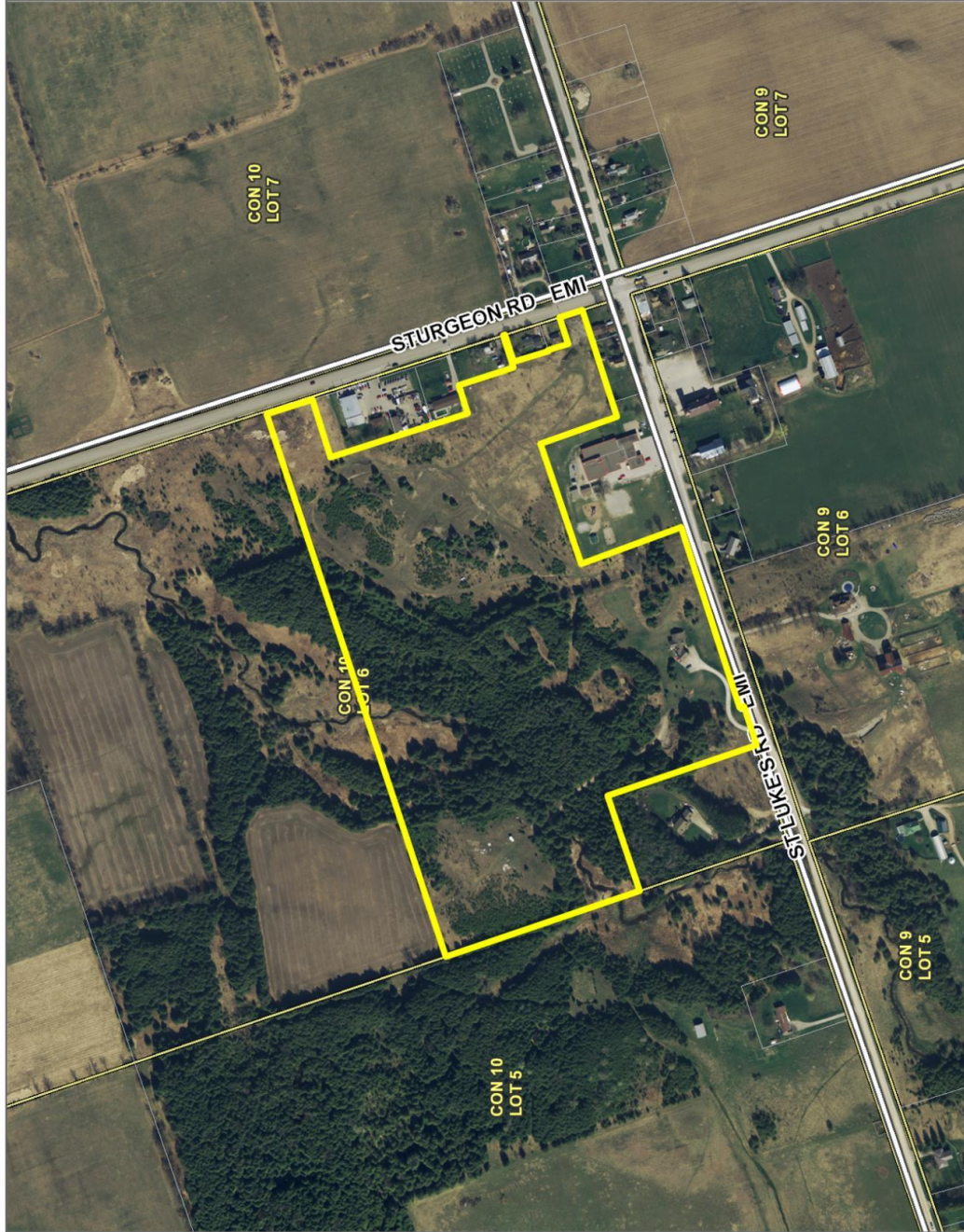
- == Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- Property ROLL #
- Lots and Concessions

APPENDIX “ B-1 “ to REPORT COA2019-015

Notes

Notes

305 St. Lukes Rd, geographic Twp Emily





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



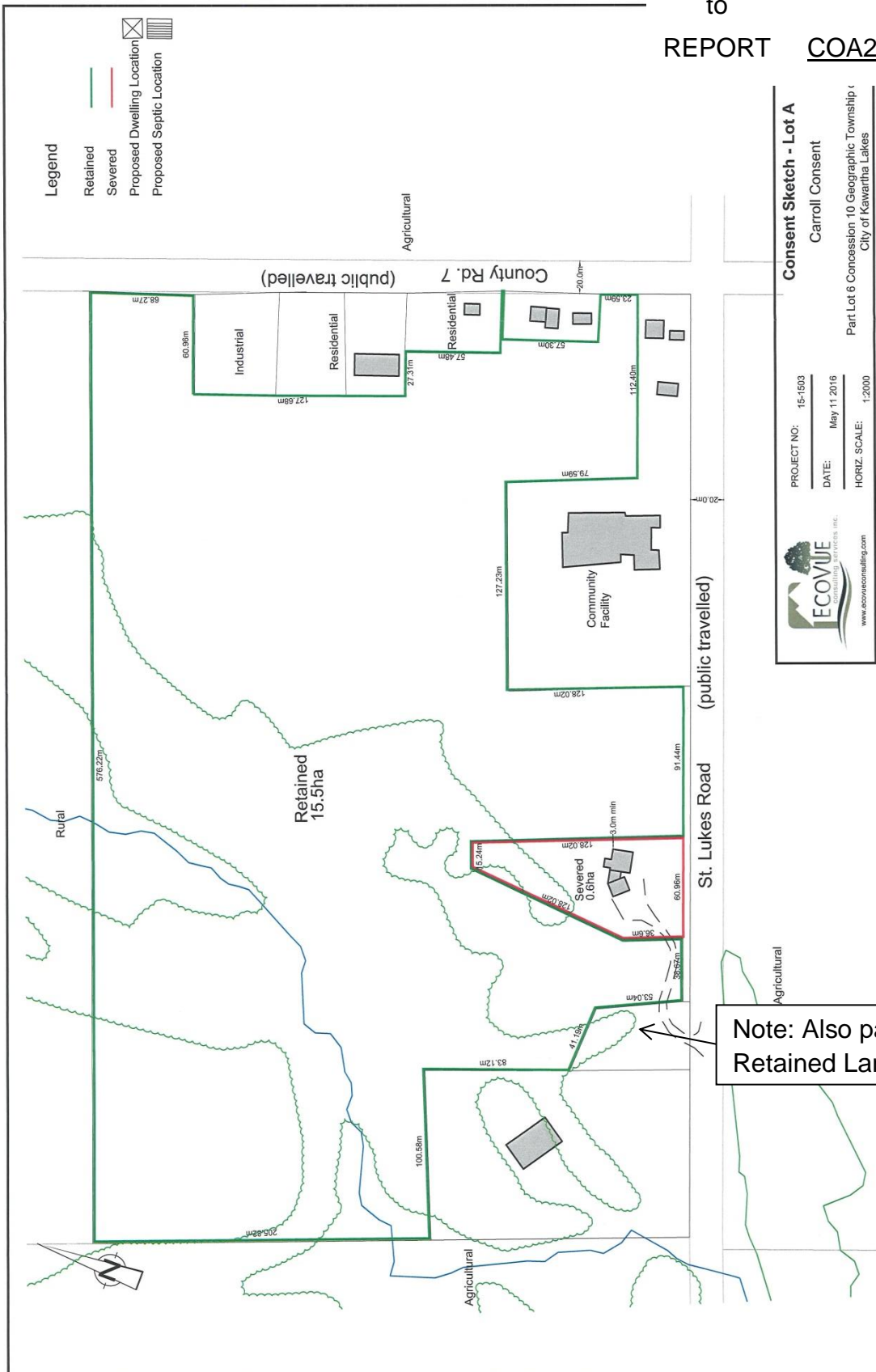
0.41 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



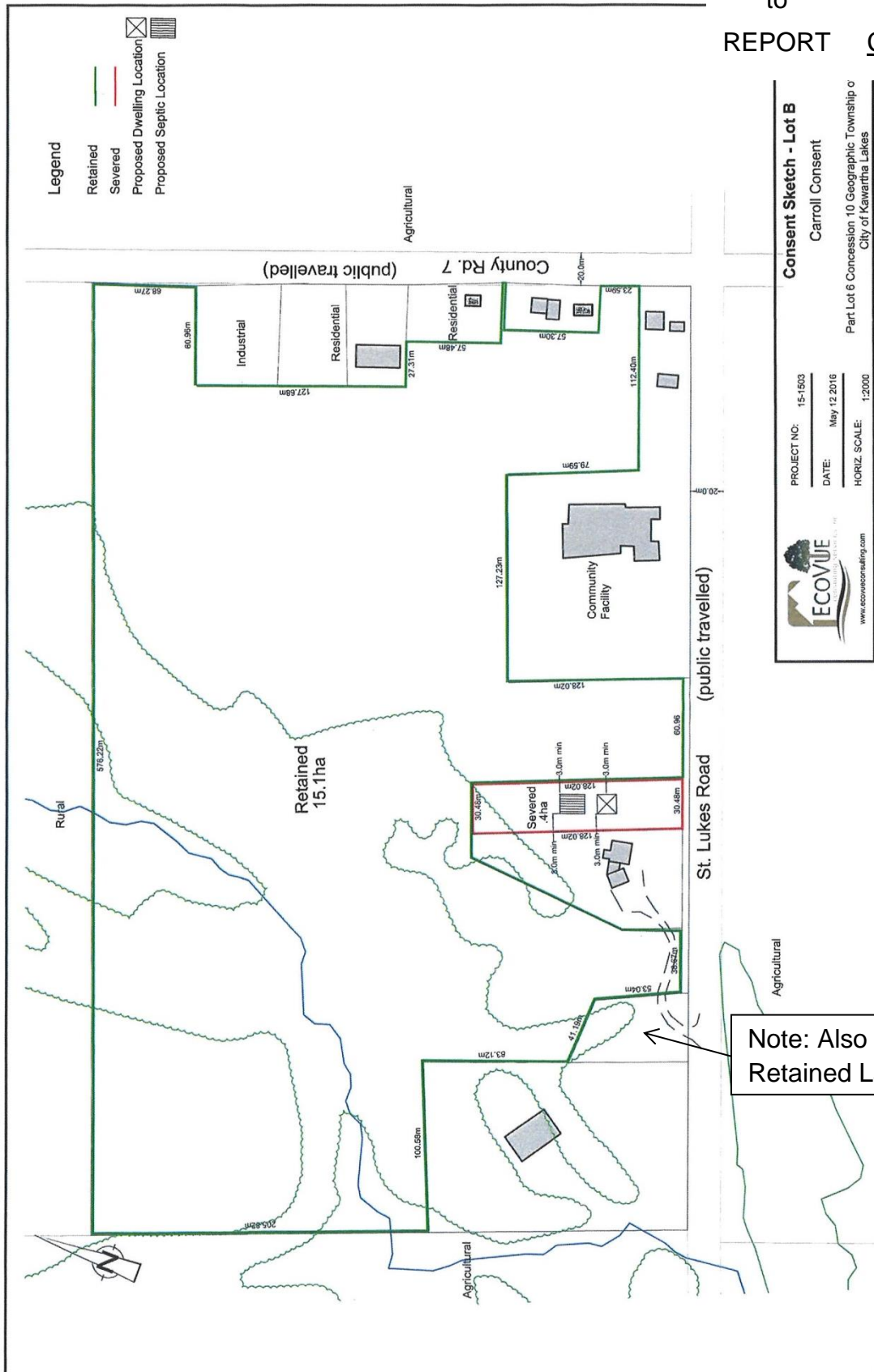
- Legend**
-  Road Centreline
 -  Upper Municipalities
 -  Lower Tier Municipalities
 -  Property ROLL#
 -  Lots and Concessions

Notes

0.13 Kilometers
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City Of Kawartha Lakes
 NORTH
 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



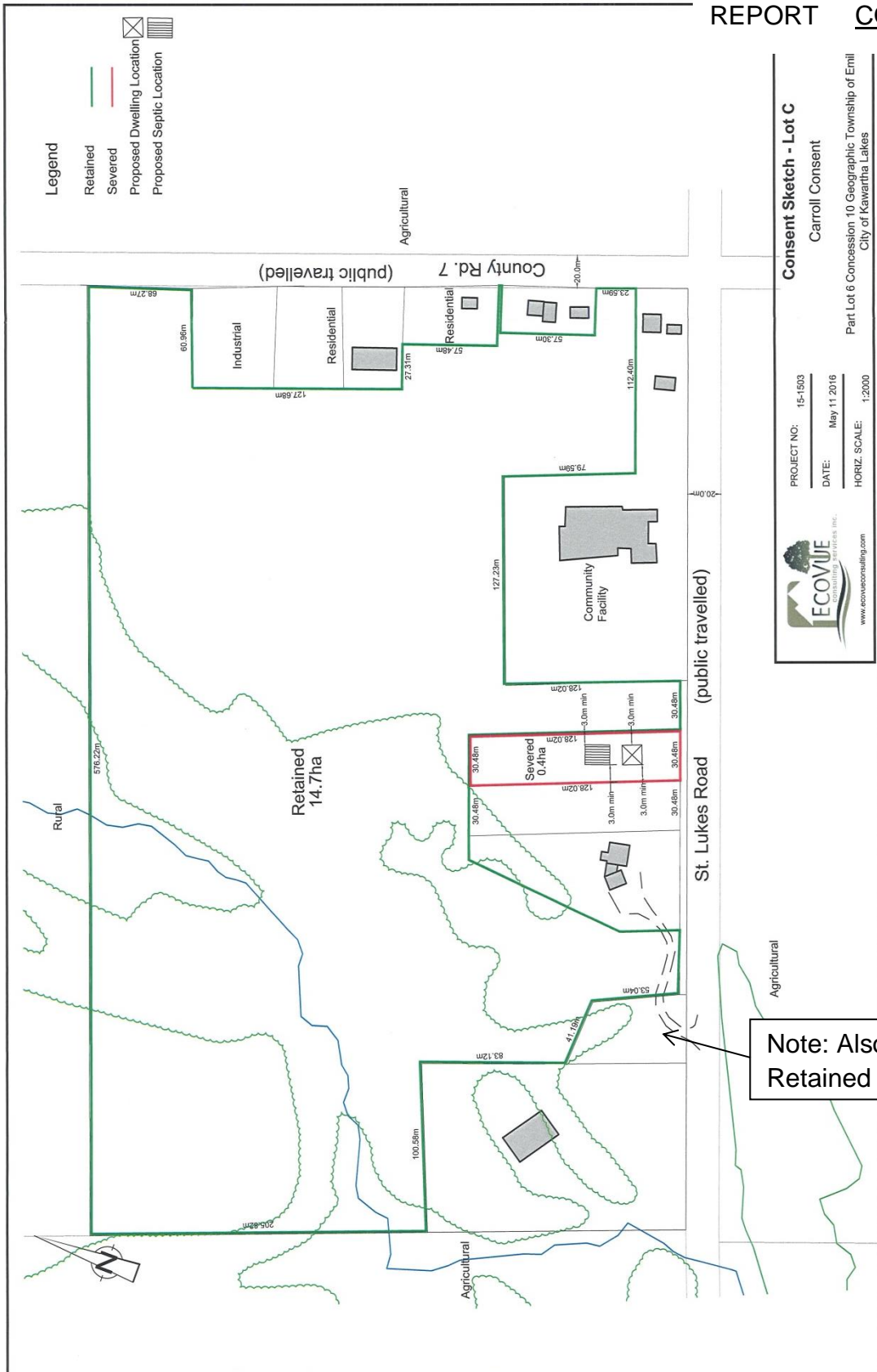
to

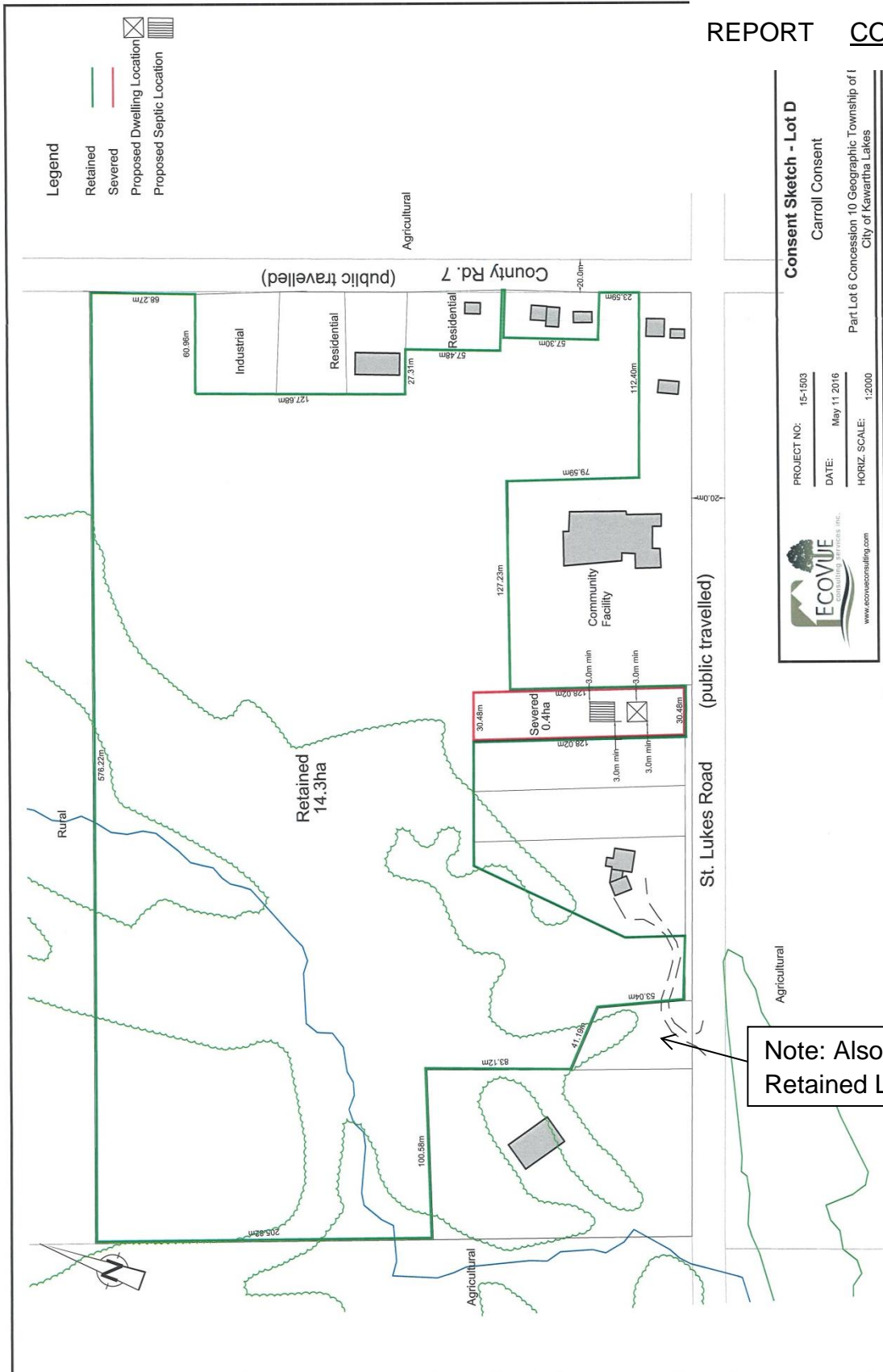
REPORT COA2019-015

Original Application– D03-16-017 – Lot 3

to

REPORT COA2019-015





APPENDIX “ D ”
to
REPORT COA2019-015

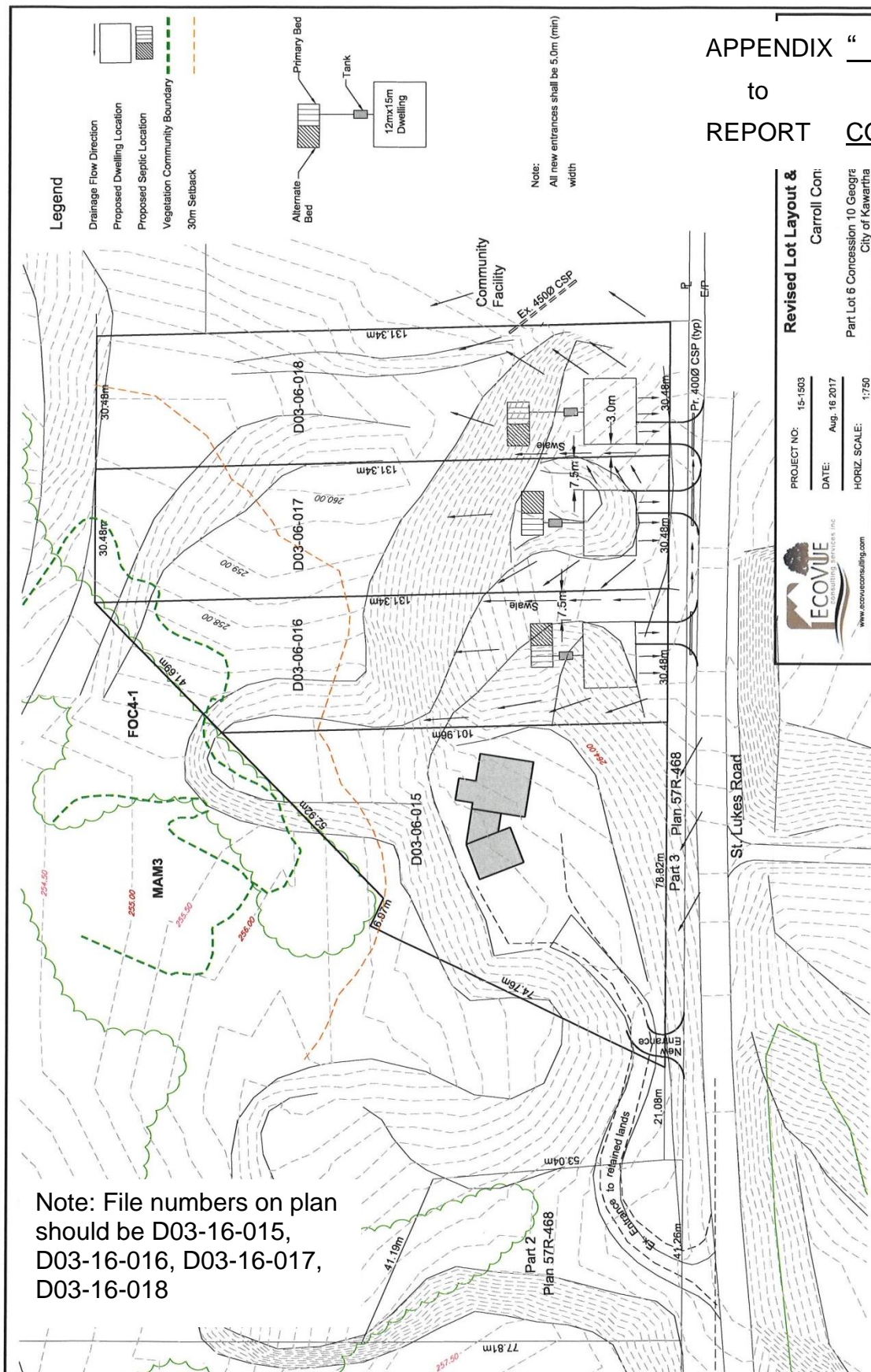
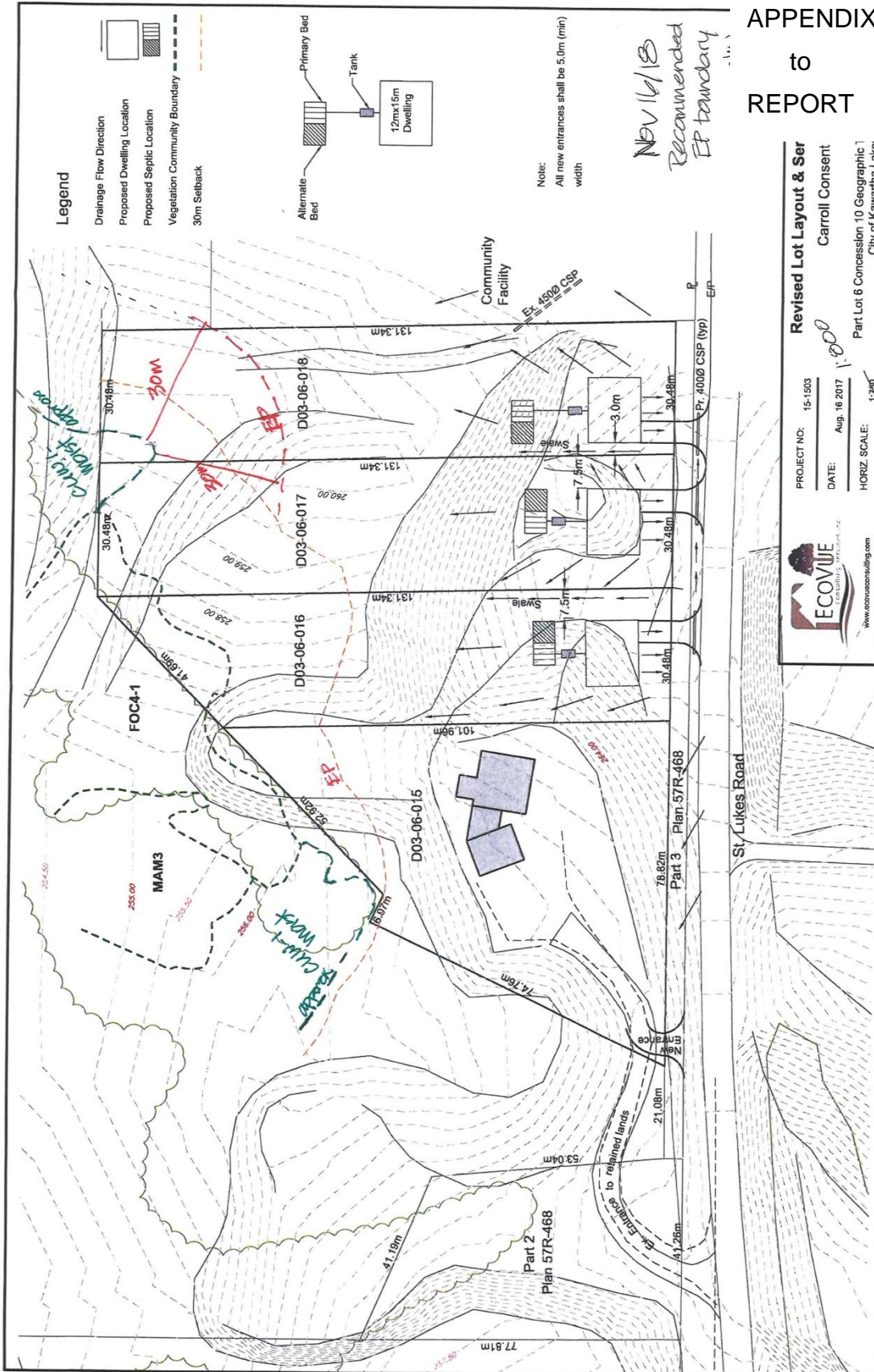


Illustration of Extent of Environmental Protection Zone

APPENDIX " E "
to
REPORT COA2019-015



Subject	Consents
From	Derryk Wolven
To	Susan Cully
Sent	Thursday, August 18, 2016 10:34 AM

APPENDIX “ F-1 ”
to
REPORT COA2019-015

Please be advised the building division has the following comments:

D03-16-014 No setback dimensions provided. Unable to assess potential spatial separation issues.
D03-16-015 No concerns
D03-16-016 No concerns
D03-16-017 No concerns
D03-16-018 No concerns
D03-16-020 No information provided with respect to the driveshed. Area of building face is key to review of spatial separation requirement. 6.1m would permit a building face area of 10m2 with no ratings applied to the wall exposing the proposed lot line.

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@city.kawarthalakes.on.ca

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Subject	RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road		
From	Anne Elmhirst	APPENDIX “	F-2 “
To	Janet Wong	to	
Sent	Friday, February 08, 2019 2:24 PM	REPORT	<u>COA2019-015</u>

Hello Janet,

Thank you for providing further information on the proposed consent applications on St. Luke's Road and the concerns for the water treatment devices as a result of the drinking water quality. Treatment devices attached to drinking water supplies often have backwash requirements to maintain the system. The backwashing practice can be detrimental to the sewage disposal system. As such, I would request an acknowledgement be provided in the consent agreements to identify that backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 1882
1-888-822-2225
Fax: 705-324-5514
website: www.city.kawarthalakes.on.ca

July 26, 2016

City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West,
Lindsay, ON
K9V 2Y6

Attention: Ms. Rea,

RE: Consent Application – Severance
305 St. Luke's Road,
Lot S ½ Lt 6, Conc. 10
Former Emily Township,
City Of Kawartha Lakes
File: D03-16-015-018
Owner: Bob Carroll

Our office has received and reviewed the above-mentioned applications to sever 1 residential lot with a dwelling, 3 vacant residential lots, and to retain a vacant parcel of land at the above-mentioned property.

The site was assessed to determine the suitability for the installation of new sewage disposal systems in relation to the severed and retained portions.

The vacant land consists of mostly sandy gravel material. However, there are some pockets in the low lying lands that contain silty sand and silt till materials with presence of water table. The location of proposed sewage systems at the time of development will determine whether the systems can be installed into the existing grade or require fill-based systems to compensate for high water table and impervious soils.

It has been determined that the severed properties identified as D03-16-0016, D03-16-017, and D03-16-018 are suitable for the installation of new Class 4 Sewage Disposal Systems to the minimum requirements of the Ontario Building Code.

The severed property identified as D03-16-015 has an existing dwelling serviced by an existing Class 4 Sewage System (File EM-7-00). The property boundaries have been designated to incorporate the existing sewage system.

The retained portion will accommodate a Class 4 Sewage Disposal System. However, it will be required to be maintained outside of the areas identified as Significant Woodland or Wetland.

Therefore, the Building Division – Sewage System Program has no objection to the proposed consent applications.

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 1882.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A Elmhirst'.

Anne Elmhirst, B.A. Sc., B.Sc.(H), C.P.H.I. (C)
Sewage System Coordinator
City of Kawartha Lakes



*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

MEMORANDUM

APPENDIX " F-3 "

to

REPORT COA2019-015

DATE: August 31, 2016
TO: **Committee of Adjustment**
FROM: Lisa Peimann, Executive, Community Services
RE: Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-16-014	771 Lilac Road, Ops
D03-16-015-D03-16-018	305 St. Luke's Road, Emily

Community Services has no concerns regarding these following applications:

D03-16-020-D03-16-021	18619 Simcoe Street & Vacant Land, Mariposa
-----------------------	---


Craig Shanks
Director of Community Services

Subject	RE: St. Lukes School - Downeyville - drainage
From	Roberta Perdue
To	Janet Wong; 'Kevin Hickey'
Cc	Christina Sisson; Richard Holy
Sent	Wednesday, January 09, 2019 7:58 AM

APPENDIX “ F-4 ”
to
REPORT COA2019-015

Good Morning,

Further to our discussions, Engineering confirms that an easement is required for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage, in favour of the City and the PVNCC District School Board, on the proposed new lot adjacent to the school property. The easement will be completed at the expense of the developer. The City can review and provide the clearance of a Condition of Consent on behalf of the City and the PVNCCDSB, or alternatively PVNCCDSB can also review and provide a clearance, if the Board requires/wants to review.

We recommend the following condition:

The Owner shall convey an easement over Lot # to be severed, to the City of Kawartha Lakes and Peterborough Victoria Northumberland and Clarington Catholic District School Board, for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage.

Please let us know if you have any questions.

Thank you,

Roberta

Roberta Perdue, C.E.T.

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

12 Peel Street, Lindsay, ON K9V 5R8

Tel: 705-324-9411 ext. 1154 | Toll Free: 1-888-822-2225 | www.kawarthalakes.ca



Subject	FW: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road
From	Roberta Perdue
To	Janet Wong
Cc	Christina Sisson; Kirk Timms; Joseph Newbery
Sent	Wednesday, September 13, 2017 1:11 PM

Good Afternoon,

Engineering provides the following comments:

- Engineering recommends the applicant enter into a Consent Agreement with the City, to establish entrances and overall lot grading for the proposed lots. As part of the Consent Agreement, a detailed Overall Lot Grading Plan and Sediment and Erosion Control Plan must be prepared, to confirm conformity to the City's entrance policies and lot grading requirements.
- Engineering recommends an easement be formalized on the proposed severed parcel D03-06-018, to confirm the existing drainage from the adjacent school property and St. Luke's Road.

Subject	RE: Carroll Consent applications FW: Letter regarding nitrate concentrations	APPENDIX “ <u>F-5</u> “
From	David Kerr	to REPORT <u>COA2019-015</u>
To	Janet Wong; Richard Holy	
Sent	Friday, November 16, 2018 2:09 PM	

Hi Janet-yes the nitrate levels are within an acceptable level. If one was to put a warning clause on the agreement it would be our recommendation to ensure that the water should be tested annually and treated for bacteria and pathogens if utilized for a drinking water supply.

Thanks Dave
David Kerr P. Geo.
Manager of Environmental Services,
Public works, City of Kawartha Lakes
dkerr@kawarthalakes.ca
705-324-9411 ext 1118
705-340-3448 cell

From: David Kerr
Sent: Friday, September 15, 2017 12:43 PM
To: Janet Wong
Subject: RE: Dave's comments on proposed severances on 305 St. Lukes Road, Downeyville

Hi Janet
I have reviewed the information you provided me and am confident that based on the information supplied in the Cambium report there is more than sufficient groundwater quantity to sustain the proposed lots without causing an issue with the neighboring supplies and any major impact to the aquifer. However I do have some concerns with the water quality of the groundwater supply and how it may be impacted after development. I do question whether or not the water quality will meet Ministry of the Environment and Climate Changes's Maximum Acceptable concentrations of 10 mg/l. for nitrates. This is a health standard as opposed to aesthetic standard. Based on one test in December of 2015 of the recently installed pumping well on site the nitrate level was 8.24 mg/l. This is close to the limit of 10 mg/l and it is possible at other times of the year the concentration actually exceeds 10 mg/l. To assess if this is the case it would be recommended that additional samples be undertaken for comparison purposes.

In addition I have a concern that the proposed wells are immediately downgradient of the school. Assuming that the school is on a septic system there may be even higher nitrates in the groundwater between the well PW101 and the school. This would mean that Lot D is in an even riskier location i.e. potential higher nitrate concentrations in the groundwater closer to the source which would potentially

be the school septic system. I am assuming that the school is on a septic system as opposed to holding tanks. This uncertainty needs to be better understood.

The other factor that does not appear to have been considered but may impact the water quality is that there has not been any nitrate loading studies undertaken to assess what the contribution of nitrates to the groundwater will be from the proposed development. This should be undertaken by a professional firm such as Cambium to evaluate if the proposed development will cause levels on site or offsite to exceed 10 mg/l.

Hope these comments are useful!

Dave

David Kerr P. Geo.

Manager of Environmental Services,

Public works, City of Kawartha Lakes

dkerr@kawarthalakes.ca

705-324-9411 ext 1118

705-340-3448 cell

APPENDIX “ F-6 “
to
REPORT COA2019-015

From: Katie Jane Harris [<mailto:kjharris@kawarthaconservation.com>]

Sent: Wednesday, August 30, 2017 3:16 PM

To: Janet Wong; Christina Sisson; Susanne Murchison

Cc: Derryk Wolven; Anne Elmhirst; Ron Warne

Subject: RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road

Good Afternoon,

As per Ron Warne, Director Planning, Development & Engineering's email of June 27, 2017, "Kawartha Region Conservation Authority has no further comments or concerns related to the granting of provisional consent for the four applications".

I trust this is of assistance.

Best Regards,

Katie Jane

Katie Jane Harris B.E.S.

Resources Planner

KAWARTHA CONSERVATION

277 Kenrei Road

Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Subject	305 St Lukes Property EIS and Flood Study Review
From	<u>Angela Horner</u>
To	khurford@ecovueconsulting.com
Cc	rwarne@kawarthaconservation.com; Janet Wong
Sent	Thursday, November 24, 2016 1:10 PM
Attachments	<<Carroll-Trogenza_LD_FLOODPLAIN_PEER-REVIEW_20161117.pdf>>

Dear Ken:

Please find following KRCA comment on the EIS by Cambium Inc. (Aug 2015) regarding the proposed severance at 305 St. Luke's Street, Geographic Township of Emily, City of Kawartha Lakes.

Also please find attached Central Lake Ontario Conservation Authority's peer review of the C.C. Tatham and Associates Ltd. Floodplain Analysis (Sept 2015) for the same site.

EIS comments are:

Wetland

The wetland, of which part of is in the study area, is delineated only on the south side of the wetland that is in the study area. The wetland itself is approximately 9ha and so should be treated as a wetland greater than 2ha. The EIS appears to use the area of the wetland within the study area as wetland size, but it is the whole wetland that is used to calculate wetland area. Wetlands greater than 2 ha are treated as provincially significant with an adjacent area of 120m to consider, as per OMNR direction and KRCA policy. With this new perspective of wetland as significant, what is EIS recommended development setback?

Woodland

The moist woodland communities in the study area (CUW1-moist, FOC4-1) are adjacent to significant wetland (as above) and contiguous with woodland leading to significant woodland NW of the on-site communities. This adjacency effects evaluation of their significance level as per the Natural Heritage Reference Manual (NHRM). The mapping of the CKL OP significant woodland boundary northwest of the site ends with an administrative boundary (see straight lines) yet actual/ecological woodland continues south and west to the on-site woodland. This may have been overlooked or not considered in the EIS. Patches in forest cover of connecting area appear to be wetland similar in form to the patch classified in the EIS and likely connected to the adjacent wetland. Patches in forest cover are not large enough to be considered a break in the above mentioned woodland (as per NHRM).

Does EIS recognize the moist woodlands as significant woodlands abutting significant woodlands, and overlapping and abutting significant wetland contributing to the ecological benefit to these features (NHRM criteria and standards)? Or at a minimum a buffer to these features? Significant woodlands have adjacent area of 120m to consider. Does EIS recommend development buffers to these woodlands?

Lot lines

Consistent with the Provincial Policy Statement, KRCA policies do not support boundaries through significant natural heritage features and buffers of these features. As such, lot lines should be reconfigured to not bisect significant features and to keep buffers with features. Recommend reconfiguring lots to exclude wetland, woodland and associated buffers. If not feasible to keep buffers with feature, at a minimum lot lines should not bisect features. If EIS does not consider woodland significant, KRCA strongly recommends keeping woodlands as buffer to wetlands, and this reflected in lot lines.

Fish Habitat

Portions of the wetland that are contiguous with Emily Creek would be considered fish habitat, and so the limit of the 120m of adjacent lands may extend further into the site than the report indicates. *KRCA staff reviewing to advise on this. Comment to this available next week.*

Please feel free to call for any reason.

Best regards,

Angela

Angela Horner
Resources Planner
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

received
Feb 21/19

PETER L. ROACH
CATHOLIC
EDUCATION
CENTRE

APPENDIX " F-7 "

to

REPORT COA2019-015

February 21, 2019

Janet Wong, MCIP RPP

Planner II, Development Services – Planning Division

City of Kawartha Lakes

Subject: Consent Applications D03-16-018. Carroll 305 St. Luke Rd. Emily.

In regards to the above application, it is the Boards understanding that the drain pipe that exits west from the school property is a municipal drain pipe connected to catch basins along St. Luke Road. To the best of our knowledge, the school property does not access this drain pipe.

The School Board would like to ensure that drainage from this pipe is not impeded in any way as a result of severance and building on the lot in question. As such, the School Board requests as a condition of provisional consent that an easement be registered on the title in favour of the Board. The Board also understands that the cost of the easement will be at the expense of the developer.

To this end, the Board would like to have the opportunity to provide clearance of this condition.

Sincerely,

Kevin Hickey

Manager of Purchasing, Planning and Facilities Administration
PVNCCDSB
1355 Lansdowne Street West
Peterborough, ON. K9J 7M3
705-748-4861 x234
kevhickey@pvnccdsb.on.ca

8/31/16

I WOULD LIKE TO BE NOTIFIED OF
THE RECOMMENDATION AND/OR
DECISION OF THE CITY OF KAWARTHA
LAKES IN RESPECT OF THE PROPOSED
CONSENT RE: 305 ST. LUKES ROAD
PART LOT 6 CONC. 10.

D03-16-015 D03-16-016

D03-16-017 D03-16-018

PLEASE KEEP ME ADVISED AS I TRIED
TO SEVER A LOT (WITH HOUSE ON IT) FROM
MY FARM TO FULFILL A WILL AND WAS
FLATLY DENIED. WOULD BE VERY
INTERESTED IN HOW THEY ARE DOING
THESE SEVERANCES SO I CAN ALSO DO
IT.

PLC Lucas
937 Sturgeon Rd
Lindsay, Ontario

RECEIVED

SEP 01 2016

City of Kawartha Lakes
Development Services
Planning Division

326 St. Lukes Rd.

Aug. 21, 2016.

APPENDIX " G-2 "

to

REPORT COA2019-015

Mr. Mayor, Councilors, Radio & gentlemen.
My concerns lay with the following lots:
D03-16-016, D03-16-017, D03-16-018.

While I would certainly miss the wonderful view of the hills, trees and wildlife my greatest concern is the issue of ^{#1} safety.

My name is Jean Johnson and we have owned our property across the road from D03-16-018 for over 25 years.

What you may or may not know is that these properties are located on a hill.

I don't know how my own driveway was allowed because of the lack of visibility with vehicles coming over the hill - all look clear, you start your turn into or out of the driveway ^{not good} only to realize a vehicle has crested the hill and is bearing down on you - some will say what's the problem the road is posted with reduced speed limit signs and school zone signs but like everywhere else a sign is only effective if obeyed and there are always people out there that don't comply.

It may not ^{look} like much of a hill but come out park your vehicles and walk the hill in both directions, you will see exactly what I mean.

I feel that adding more driveways on both sides of the hill will be tempting fate... and setting a dangerous precedence.

Not something I would want to take responsibility for. Definitely not a safe location for ~~driveways~~ driveways.

X bjm.

Issue #2.

Now I am not sure whether they will have one well on each property or a main shared well but nevertheless what happens if they drill into the same water vein we use and it is not adequate and I end up with water problems for over 25 years we have had great water and lots of it, no problems. But who takes the responsibility if there is a problem - or am I left high and dry?

I would appreciate it if my concerns are addressed and I would like to be informed on the outcome of the proceedings.

Thank you.

Jean Johnson property owner
Kathy Johnson property owner

RECEIVED

AUG 22 2016

City of Kawartha Lakes
Development Services
Planning Division

Proposed Conditions – D03-16-015 – Lot 1

1. This approval applies to the transaction applied for June 2, 2016 for Lot 1 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 for a 0.47 ha. lot with an existing dwelling subject to such minor revisions as required to extend the 52.9 m. lot line to intersect directly with the 74.7 m lot line as illustrated on the Sketch for Severance.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-016 – Lot 2

1. This approval applies to the transaction applied for June 2, 2016 for Lot 2 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.35 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-017 – Lot 3

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-018 – Lot 4

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. The owner shall convey a drainage easement, free and clear of encumbrances, along the east property line in favour of the City of Kawartha Lakes for the conveyance of surface water from the inlet to the outlet, be over the existing drainage structure(s), and provide sufficient space for operation and maintenance activities associated with the drainage flow path. The easement width will be determined through the drainage plan and will start from the intersection of the corrugated steel pipe with the property line and extend north to the rear property line.
5. A copy of the registered Transfer for the drainage easement be provided to the Secretary-Treasurer along with the deed for fulfillment of condition 4.
6. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
7. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 6;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,

- iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner's solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;
 - be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
8. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 9. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 10. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 11. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 12. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 13. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 14. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 15. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 16. The applicant shall pay all costs associated with the preparation and registration of the required documents.

17. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Carroll
Report Number COA2019-015

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: Applications to sever four residential lots, with areas ranging from 0.35 hectares to 0.47 hectares, and retain approximately 15.3 hectares of vacant rural land. The property is located at 305 St. Luke's Road, geographic Township of Emily (Files D03-16-015, D03-16-016, D03-16-017, D03-16-018).

Author: Janet Wong, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-015, Robert and Shari Carroll, be received;

That consent application D03-16-015, being an application to sever 0.47 hectares with an existing dwelling, with the conditions of provisional consent substantially in the form attached as Appendix "H1" to Report COA2019-015, be **Granted**;

That consent application D03-16-016, being an application to sever 0.35 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H2" to Report COA2019-015, be **Granted**;

That consent application D03-16-017, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H3" to Report COA2019-015, be **Granted**;

That consent application D03-16-018, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H4" to Report COA2019-015, be **Granted**; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Background:

The owners have applied to sever four residential lots on the north side of St. Luke's Road in the hamlet of Downeyville. The original applications intended to sever a total of 1.8 hectares and retain lands with frontage on St. Luke's Road and Sturgeon Road. After receiving comments from the agencies and the City, applications D03-16-015 (Lot 1) and D03-16-016 (Lot 2) were reconfigured to address entrance and natural heritage features. Applications D03-16-017 (Lot 3) and D03-16-018 (Lot 4) remained the same. Thus there is a total area being severed of 1.6 ha and retained lands of 15.3 ha. (approximate). See Appendices C to D inclusive.

Emily Creek crosses the retained lands flowing northerly through an unevaluated wetland and woodland. The creek is about 120 metres away from the closest proposed lot line. The balance of the property is meadow and culturally maintained. A ridge, about 10 metres high, crosses the severed lands. An existing residence would be located on Lot 1.

These applications were deemed complete June 2, 2016.

Owners: Robert and Shari Carroll
Applicant: EcoVue Consulting Services Inc. (Ken Hurford)
Legal Description: Lot 6, Concession 10, geographic Township of Emily, now City of Kawartha Lakes
Official Plan: "Hamlet" - retained and severed lands
"Environmental Protection" and "Prime Agricultural" - retained lands
City of Kawartha Lakes Official Plan
Zone: "Agricultural (A1) Zone" - severed and retained lands
"Environmental Protection (EP) Zone" - retained lands
Township of Emily Zoning By-law 1996-30
Site Size: Existing – 16.9 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-015 (Lot 1)	0.47	16.43
D03-16-016 (Lot 2)	0.35	16.08
D03-16-017 (Lot 3)	0.40	15.68
D03-16-018 (Lot 4)	0.40	15.28
Total	1.6	15.3

Site Servicing: Private individual wells and septic systems
Existing Uses: Large lot rural residential
Adjacent Uses: North: Agricultural

East: Hamlet: Residential, Commercial and St. Luke Catholic
Elementary School
South: Agricultural, Hamlet: Residential and Church
West: Agricultural

Rationale:

The applicant submitted the following reports and plans in support of the applications, which were circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report (EcoVue Consulting Services, dated May 12, 2016). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2017), City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law 1996-30.
2. Environmental Impact Study - 305 St. Luke's Road, City of Kawartha Lakes (Cambium, dated August 5, 2015) (EIS). The report identifies and assesses the natural heritage features in the context of the proposed severances and 2014 Provincial Policy Statement Natural Heritage and Natural Hazard policies. The EIS was prepared to cover lands within 30 metres of the proposed lots.
3. Hydrogeological Assessment – Lot 6, Concession 10, Township of Emily (Cambium Inc. dated February 18, 2016). The report evaluates ground water quantity and quality to determine the availability of a potable well water supply to service three (3) proposed vacant residential lots for development as Lot 1 has an existing dwelling.
4. Emily Creek Floodplain Analysis (C.C. Tatham & Associates, dated September 25, 2015). The analysis establishes the flood elevation across the site.
5. Consent Sketches (EcoVue Consulting Services, dated May 11, 2016).

Minimum Distance Separation calculations to establish the distance between proposed lots and existing barns and manure storage facilities are not required as the proposed lots are within a settlement area. Subsequent to receiving comments from City Departments and Agencies, additional information was provided to address entrances, drainage, grading, and natural heritage features and the lots were reconfigured as illustrated on the consolidated revised sketch (dated August 16, 2017) in Appendix D and which are being tabled before the Committee.

The Planning Justification Report along with subsequent supporting information advises that the severed lands would be consistent with both provincial and municipal planning policies and documents as supported by the EIS, hydrogeological assessment and delineation of the flood plain.

The EIS concluded that a small portion of the woodlands on the retained lands, Lot 2 and Lot 3 could be considered significant due to connection with wetland habitat. A 30 metre setback for buildings and septic systems from the wetland and candidate

woodland area was identified as adequate to mitigate any potential impacts. The EIS also identified 'cultural woodland' which was not classified as significant.

The hydrogeological assessment concluded that there is sufficient water quantity for individual wells without interfering with existing wells. For water quality, four water quality parameters were discussed based on criteria from Provincial Drinking Water Quality Standards (ODWQS):

	Parameter	Category	Concentration
1	Nitrate/Nitrite	Health related	Elevated
2	Hardness	Aesthetic	Exceeded
3	Sodium	Aesthetic	Elevated
4	Chloride	Aesthetic	Elevated

The recommendation was that dwellings should be equipped with treatment systems and particularly reverse osmosis to treat nitrate/nitrites. The report also indicated that "additional water quality monitoring for nitrates should be considered in the absence of treatment, and continue until a favourable trend (reducing concentrations) is established."

The flood plain analysis defined the flood plain as 254.56 metres above sea level in the vicinity of the proposed lots. The proposed lots are about 30 metres from the flood plain.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed severance.

Policy Conformity

Provincial Policy Statement, 2014 (PPS)

Under the PPS, the subject property is considered to be Rural Settlement Area within the Rural Area of the City. Rural Settlement Areas shall be the focus of growth and development. Where there is no municipal or communal servicing, individual on-site water and sewage services may be used for infilling and minor rounding-out of existing development. Implicit with the provision of water and sewage services is that they be provided in a manner that protects human health and the natural environment.

The PPS also requires the proposed development to have no negative impact on significant natural features and their ecological functions. The EIS identified unevaluated wetland and candidate significant woodland proximate to the severed lands.

The PPS also requires the proposed development to be located outside the flood plain and erosion hazard. The proposed lots are outside the floodplain and there was no

erosion hazard associated with Emily Creek identified. There is also sufficient area on the retained lands for development outside of flood risk areas.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. The Growth Plan directs development to settlement areas and in particular new multiple lots in the Rural Area. The severed lands are outside the Agricultural System and Natural Heritage System for the Growth Plan as these Systems are outside of settlement areas. The proposal conforms with the policies of the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan)

In keeping with Provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas, including rural settlement areas.

The subject property is designated “Hamlet” in the Official Plan; “Environmental Protection (EP)” designation follows Emily Creek; and, “Prime Agricultural” designation is over the north-west corner of the retained lands. Four (4) consents fronting on St. Luke’s Road are permitted provided that there is adequate potable water supply as well as having access and not inhibiting logical growth on the retained lands. The minimum lot size should be 0.4 hectares.

Consent policies indicate the minimum lot area should be 0.4 hectares. The average lot size is 0.4 hectares, with Lot 1 being slightly larger and Lot 2 being slightly smaller. Lot 1 is irregular in shape (Appendix “D”). The 52.92 metre lot line should be extended to meet the side lot line eliminating the jog in the proposed property line. It is estimated that the reduced lot area would still place the average lot area at 0.4 hectares.

The EP designation may be refined through a flood plain study. The Study has refined the flood plain limit and demonstrated that the proposed lots are outside the flood plain, as well, access routes to permit future development on the retained lands will not be compromised. While the EP designation does not reflect the entire flood plain, an Official Plan amendment is not required as the Study refines the boundary.

The Natural Heritage System (NHS) includes unevaluated wetlands and significant woodlands. An EIS confirms the boundaries of natural heritage features (using Ecological Land Classification – ELC) and assesses the potential impacts from the development on the features and functions. The EIS identified meadow marsh and White Cedar coniferous forest as significant vegetation communities that City staff considers to be part of the NHS.

Contiguous with these features is ‘cultural woodland-moist’ on the retained lands and small portions of the severed lands (Lots 3 and 4). The PPS does not limit the identification of woodlands to ELC ‘forest types’. Staff considers the ‘cultural woodland-moist’ to also be significant being contiguous with and meeting at least the same criterion for significance as the White Cedar coniferous forest.

The proposed lot lines for Lot 2 and Lot 3 minimizes the extent of significant woodland on these lots. The Study recommended buffer of 30 metres from the White Cedar coniferous forest should be applied to the 'cultural woodland-moist' on Lots 2, 3, and 4. A 30 metre buffer from the wetland is supported for Lot 1 which is developed. Staff is recommending that the woodland, wetland, and 30 metre buffer be zoned as "Environmental Protection (EP) Zone", with no additional setback from the EP Zone boundary, for development to meet the intent of Provincial and City policy of no negative impact on these natural features. The approximate extent of the affected area is illustrated in Appendix "E".

Lots may also be permitted when it has been established that there is sufficient potable water. The applicant has demonstrated that there will be sufficient quantity of water to supply three new dwellings and not affect other wells.

With respect to water quality, nitrate/nitrite is a health-related parameter with a maximum acceptable concentration of 10mg/L. The applicant's original water quality testing was on samples taken in December 2015. Upon concerns with elevated nitrate/nitrite levels based on one sample time expressed by the City, water samples through several seasons were tested. It has been confirmed that there would not be fluctuations in nitrate/nitrite levels above maximum acceptable concentrations. Staff concur with the consultant's recommendation for water treatment as this parameter is elevated. A consent agreement, registered on title, is recommended to ensure future landowners are aware that reverse osmosis treatment is recommended or water quality monitored where treatment is not installed.

Following Provincial Drinking Water Quality Standards (ODWQS), chloride, sodium and hardness levels are elevated or exceeded, however are at concentrations that can be treated for domestic purposes. Future landowners should be made aware of high concentrations for these water quality parameters and treatment may be desirable. This would also be included in the consent agreement as a warning on title.

Zoning By-law Conformity

The severed lands are zoned "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30. The proposed use is permitted. While the proposed lots do not meet the minimum lot area and lot frontage requirements, The A1 Zone (Section 7.2.1.7) allows for use and development in accordance with "Rural Residential Type One (RR1) Zone" requirements. However being in a Hamlet, a "Hamlet Residential (HR) Zone" would be more appropriate as it allows for a wider range of suitable residential uses and the balance of Downeyville residential properties are zoned HR Zone. It is recommended that the lands be rezoned to an HR Zone.

The lot to be retained is zoned as "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone". The proposed lot would not meet the minimum lot area requirement nor minimum lot frontage as a "through lot". As well, Section 3.13.1 requires that no lot shall be created within multiple zones unless the lot complies with the minimum lot area and lot frontage of the applicable zones. An amendment to the

Zoning By-law would be required in order for the retained lands to comply with the Zoning By-law.

The EP Zone covers most of the woodland and wetland area on the property. Development should not be located within the significant forest and rezoned as identified previously.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

Lots 2 to 4 inclusive and the retained lands will be serviced by new private well and septic system. Lot 1 has a private well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency and City Comments:

Building Division – Building Inspection (August 18, 2016): No concerns

Building Division – Sewage Inspection (July 26, 2016, September 7, 2017, February 8, 2019): Future owners be advised that backwash from treatment systems for drinking water should not be directed to septic systems. See comments.

Community Services Department (August 31, 2016): Cash-in-lieu of parkland required for each lot.

Development Engineering Division (September 13, 2017, January 19, 2019): recommends entering into a Consent Agreement with the City for the four lots and registering a drainage easement over Lot 4. See comments.

Environmental Services Division – (September 15, 2017, November 16, 2018): Recommends that a warning clause be included in a consent agreement to ensure that drinking water is tested annually and treated if necessary for bacteria and pathogens.

Kawartha Region Conservation Authority (November 24, 2016, August 30, 2017): No concerns. See comments.

Peterborough Victoria Northumberland and Clarington Catholic District School Board (PVNC School Board) (February 21, 2019): drainage from St. Luke Catholic Elementary School does not enter the drainage pipe. Requested a drainage easement in favour of the School Board over D03-16-018. See comments.

Public Comments:

Mr. Lucas (August 31, 2016): Please advise of decision. See comments.

Jean and Kathy Johnson (August 21, 2016): Concerns with traffic safety, impact on their water supply. See comments.

Planning Analysis:

Staff spoke with Ms. Johnson regarding her concerns. The consultant has demonstrated to Engineering staff that the proposed entrances will not present a safety hazard and that water quantity will not be adversely affected.

Drainage from the City road allowance has been piped across St. Luke Catholic Elementary School and the pipe terminates at Lot 4. Water flows overland from the outlet. Staff for the PVNC School Board has confirmed that drainage from the school property does not utilize the pipe and have not identified any future requirement for drainage across the Carroll property utilizing the drainage pipe. An easement would confer responsibility on the PVNC School Board to maintain the pipe and the drainage route within the easement for water that is not from their property. As such, Planning Staff are of the opinion that an easement in favour of the School Board is not warranted.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2017 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lots will be developed based on the revised concept include:

1. zoning by-law amendment for:
 - a. the severed lands to HR-* Zone and EP Zone to restrict development within natural heritage features and the 30 metre buffer with no further setback requirement from the EP Zone,
 - b. permit an undersized retained lot with two zones,
 - c. a part of the retained lands to EP Zone to reflect the boundary of the significant natural heritage features and flood plain;
2. a consent agreement be registered on title that includes:
 - a. a lot grading and drainage plan, which will identify entrances, building envelope, and septic system locations
 - b. erosion and sediment control plan; and
 - c. water quality warnings and recommendations
3. entrance permit
4. cash in lieu of parkland; and
5. specific to Lot 4, a drainage easement, in favour of the City, over the drainage route and existing drainage structure to allow for operation and maintenance associated with the conveyance of drainage from the St. Luke's road allowance.

Attachments

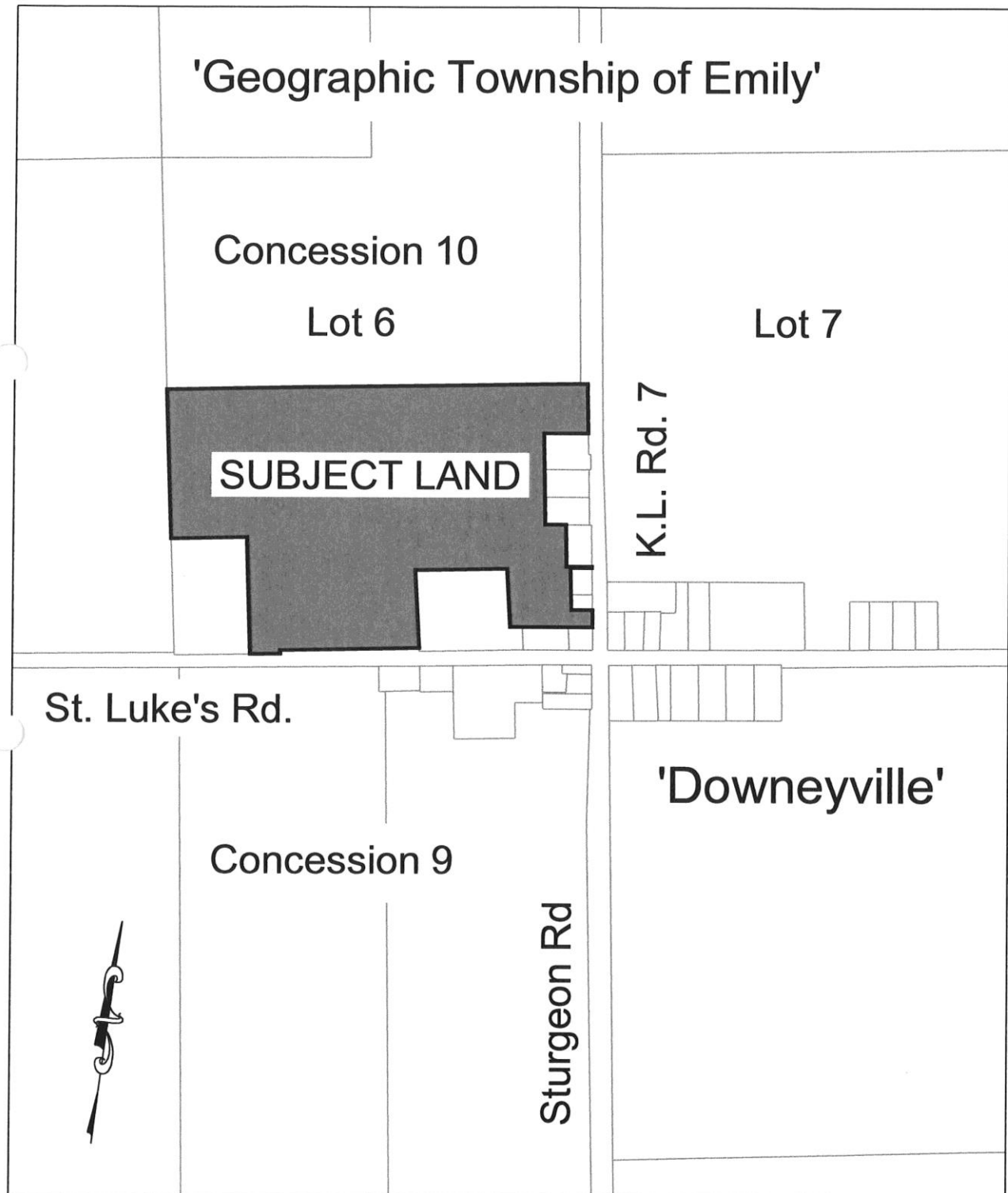


Appendices A-H.pdf

Appendix A – Location Map
Appendix B – Orthoimage
Appendix C – Applicant's Sketch Original
Appendix D – Applicant's Sketch Revised
Appendix E – Illustration of Proposed Extent of Environmental Protection Zone
Appendix F – City and Agency Comments
Appendix G – Public Comments
Appendix H – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1330
E-Mail: jwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D03-16-015, D03-16-016, D03-16-017, D03-16-0

D03-16-015, D03-16-016, D03-16-017, D03-16-018






- Legend**
- == Road Centreline
 - Upper Municipalities
 - Lower Tier Municipalities
 - Property ROLL #
 - Lots and Concessions

APPENDIX “ B-1 “
to
REPORT COA2019-015

Notes
Notes

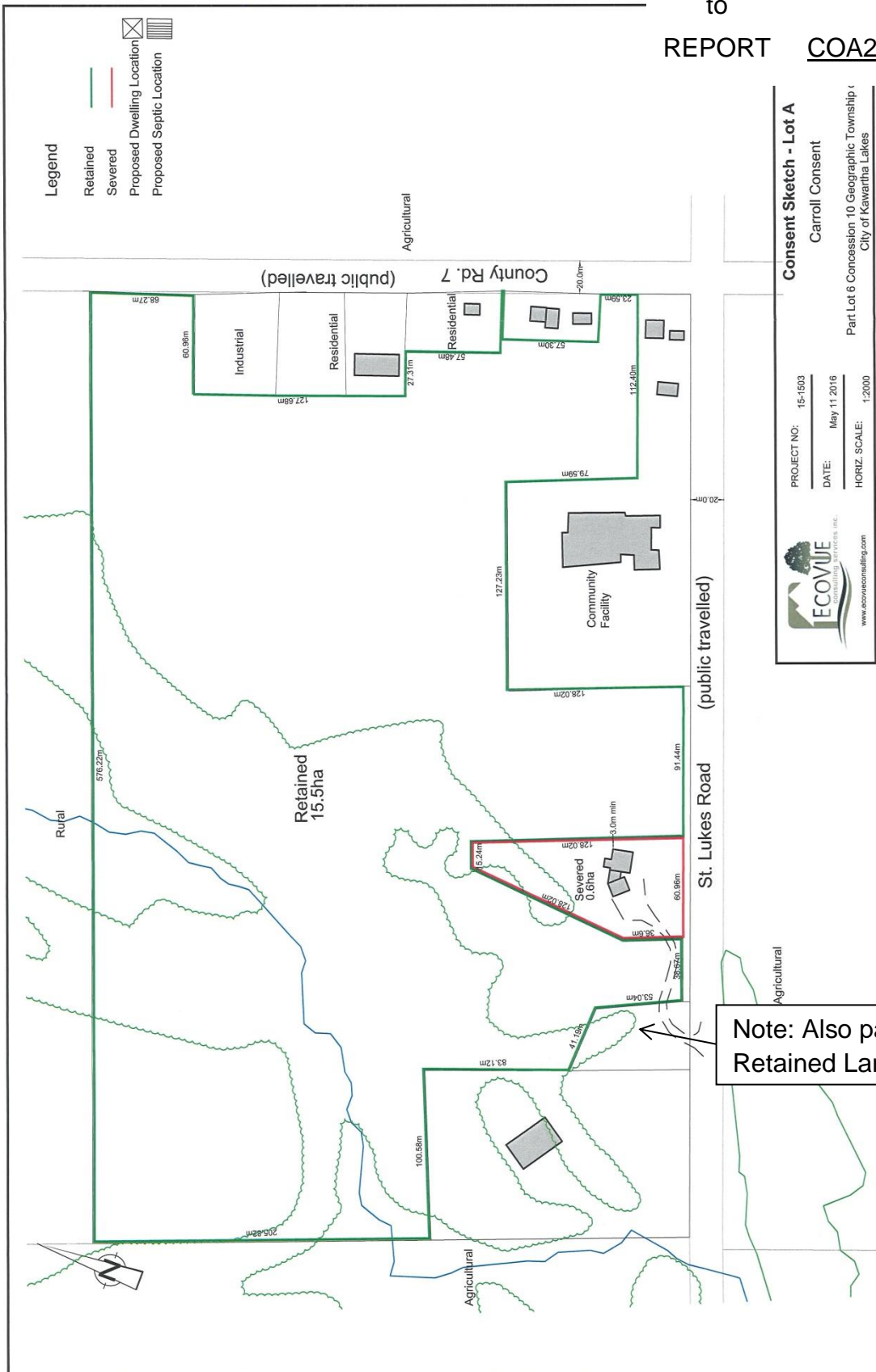




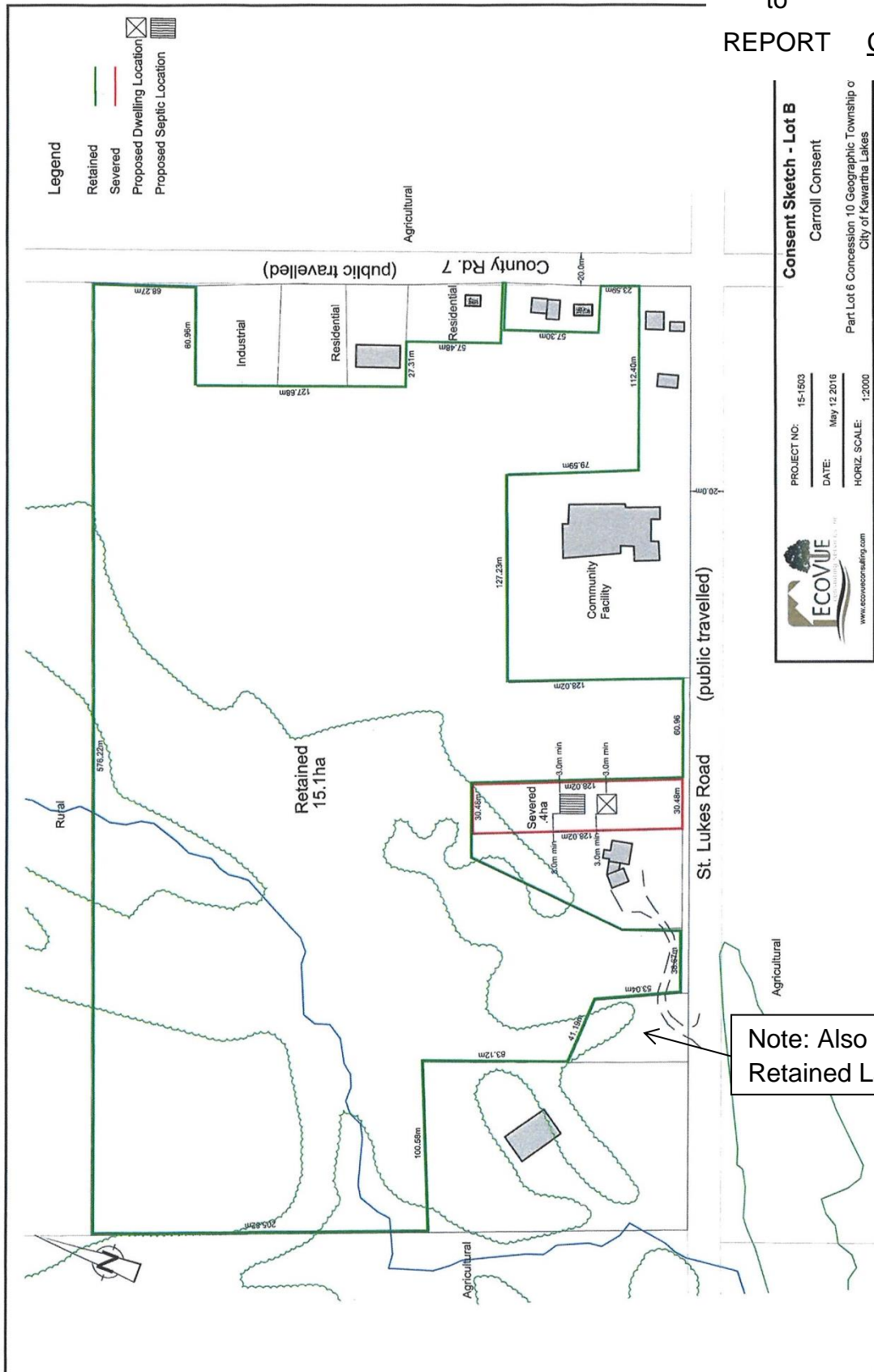
- Legend**
-  Road Centreline
 -  Upper Municipalities
 -  Lower Tier Municipalities
 -  Property ROLL#
 -  Lots and Concessions

Notes

0.13 Kilometers
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City Of Kawartha Lakes
 NORTH
 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



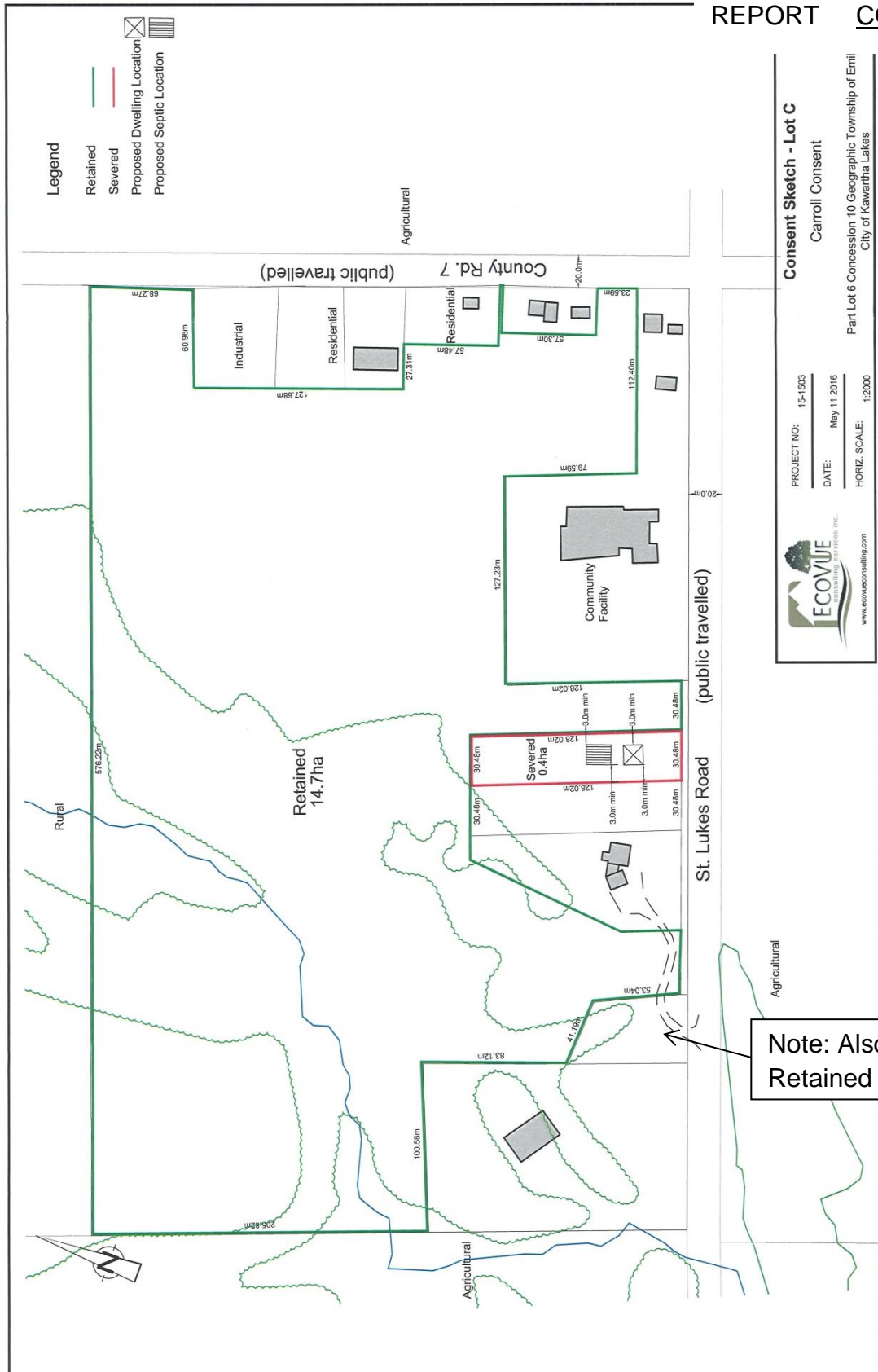
to

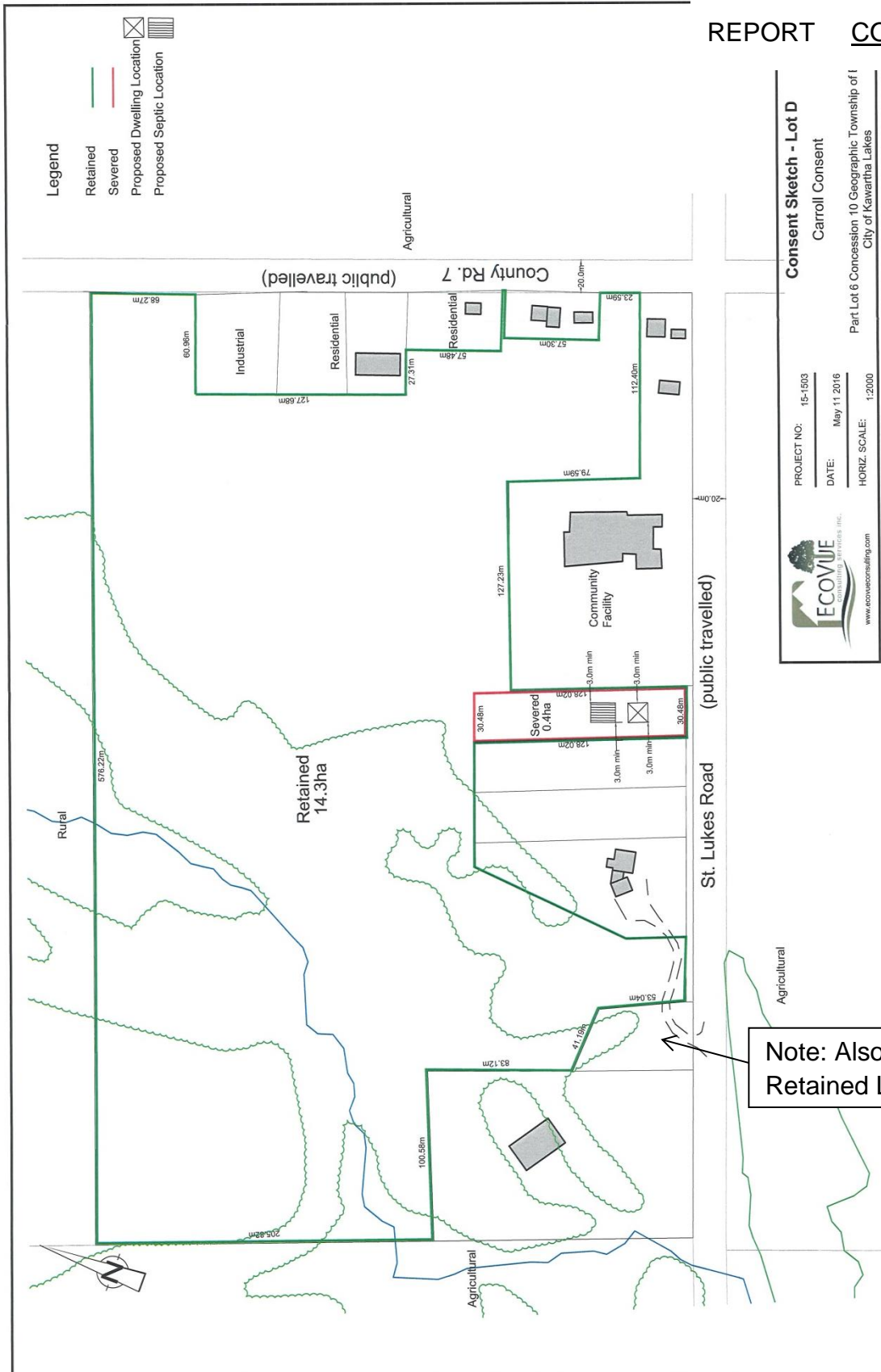
REPORT COA2019-015

Original Application– D03-16-017 – Lot 3

to

REPORT COA2019-015





APPENDIX “ D ”
to
REPORT COA2019-015

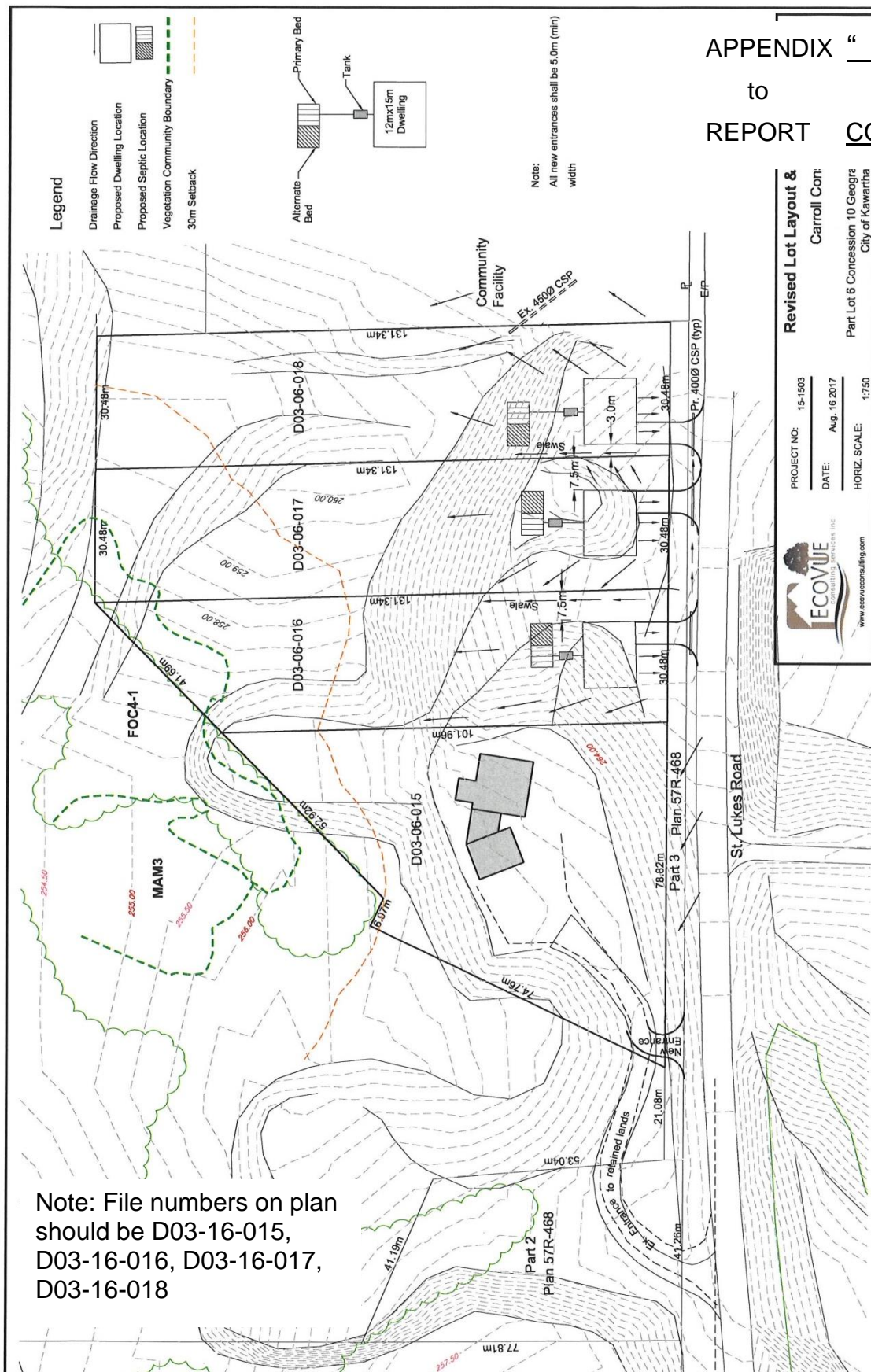
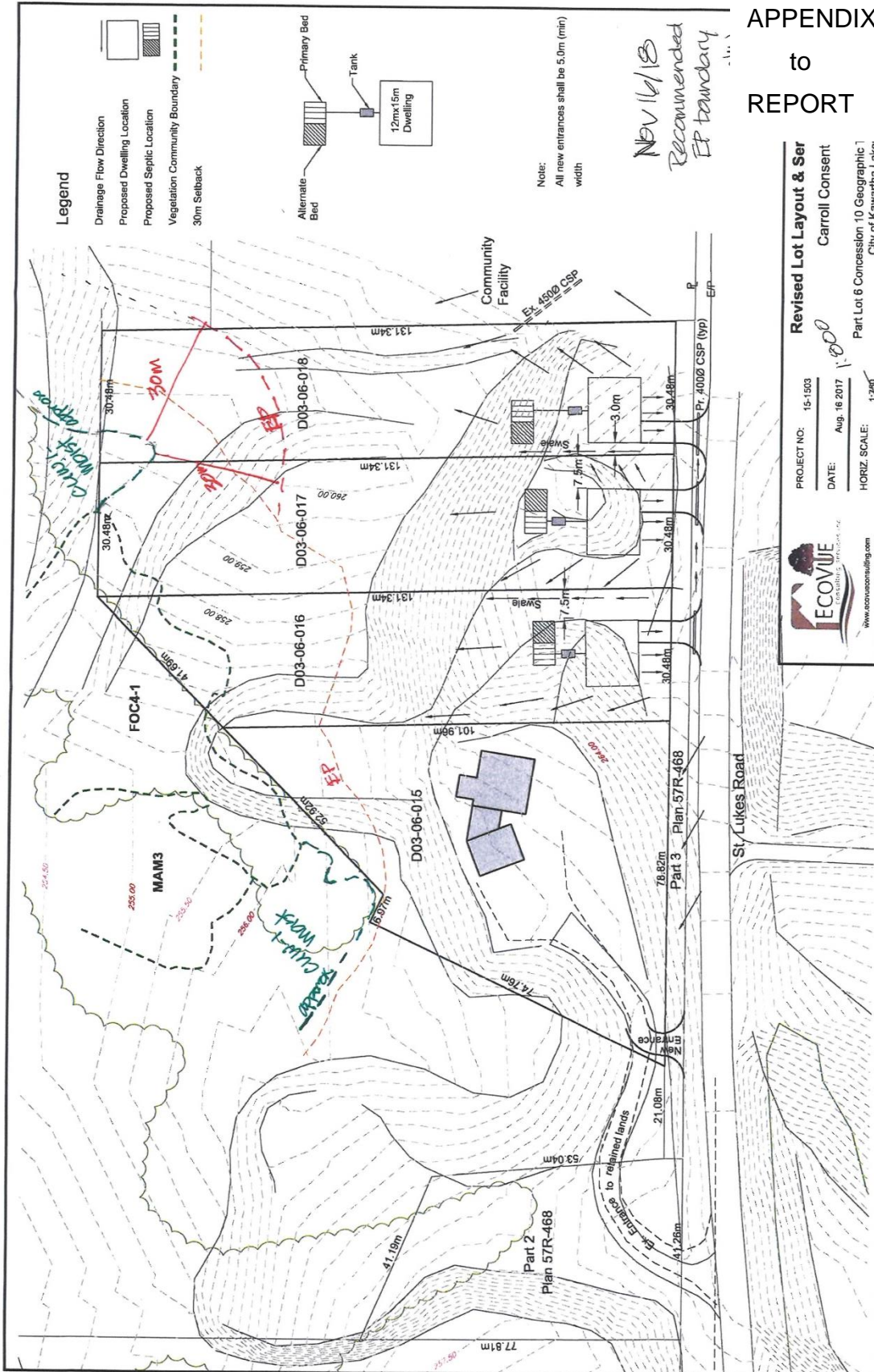


Illustration of Extent of Environmental Protection Zone

APPENDIX " E "
to
REPORT COA2019-015



Subject	Consents
From	Derryk Wolven
To	Susan Cully
Sent	Thursday, August 18, 2016 10:34 AM

APPENDIX “ F-1 ”
to
REPORT COA2019-015

Please be advised the building division has the following comments:

D03-16-014 No setback dimensions provided. Unable to assess potential spatial separation issues.
D03-16-015 No concerns
D03-16-016 No concerns
D03-16-017 No concerns
D03-16-018 No concerns
D03-16-020 No information provided with respect to the driveshed. Area of building face is key to review of spatial separation requirement. 6.1m would permit a building face area of 10m2 with no ratings applied to the wall exposing the proposed lot line.

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@city.kawarthalakes.on.ca

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Subject	RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road		
From	Anne Elmhirst	APPENDIX “	F-2 “
To	Janet Wong	to	
Sent	Friday, February 08, 2019 2:24 PM	REPORT	<u>COA2019-015</u>

Hello Janet,

Thank you for providing further information on the proposed consent applications on St. Luke's Road and the concerns for the water treatment devices as a result of the drinking water quality. Treatment devices attached to drinking water supplies often have backwash requirements to maintain the system. The backwashing practice can be detrimental to the sewage disposal system. As such, I would request an acknowledgement be provided in the consent agreements to identify that backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 1882
1-888-822-2225
Fax: 705-324-5514
website: www.city.kawarthalakes.on.ca

July 26, 2016

City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West,
Lindsay, ON
K9V 2Y6

Attention: Ms. Rea,

RE: Consent Application – Severance
305 St. Luke's Road,
Lot S ½ Lt 6, Conc. 10
Former Emily Township,
City Of Kawartha Lakes
File: D03-16-015-018
Owner: Bob Carroll

Our office has received and reviewed the above-mentioned applications to sever 1 residential lot with a dwelling, 3 vacant residential lots, and to retain a vacant parcel of land at the above-mentioned property.

The site was assessed to determine the suitability for the installation of new sewage disposal systems in relation to the severed and retained portions.

The vacant land consists of mostly sandy gravel material. However, there are some pockets in the low lying lands that contain silty sand and silt till materials with presence of water table. The location of proposed sewage systems at the time of development will determine whether the systems can be installed into the existing grade or require fill-based systems to compensate for high water table and impervious soils.

It has been determined that the severed properties identified as D03-16-0016, D03-16-017, and D03-16-018 are suitable for the installation of new Class 4 Sewage Disposal Systems to the minimum requirements of the Ontario Building Code.

The severed property identified as D03-16-015 has an existing dwelling serviced by an existing Class 4 Sewage System (File EM-7-00). The property boundaries have been designated to incorporate the existing sewage system.

The retained portion will accommodate a Class 4 Sewage Disposal System. However, it will be required to be maintained outside of the areas identified as Significant Woodland or Wetland.

Therefore, the Building Division – Sewage System Program has no objection to the proposed consent applications.

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 1882.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A Elmhirst'.

Anne Elmhirst, B.A. Sc., B.Sc.(H), C.P.H.I. (C)
Sewage System Coordinator
City of Kawartha Lakes



*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

MEMORANDUM

APPENDIX " F-3 "

to

REPORT COA2019-015


DATE: August 31, 2016
TO: **Committee of Adjustment**
FROM: Lisa Peimann, Executive, Community Services
RE: Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-16-014	771 Lilac Road, Ops
D03-16-015-D03-16-018	305 St. Luke's Road, Emily

Community Services has no concerns regarding these following applications:

D03-16-020-D03-16-021	18619 Simcoe Street & Vacant Land, Mariposa
-----------------------	---


Craig Shanks
Director of Community Services

Subject	RE: St. Lukes School - Downeyville - drainage
From	Roberta Perdue
To	Janet Wong; 'Kevin Hickey'
Cc	Christina Sisson; Richard Holy
Sent	Wednesday, January 09, 2019 7:58 AM

APPENDIX “ F-4 ”
to
REPORT COA2019-015

Good Morning,

Further to our discussions, Engineering confirms that an easement is required for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage, in favour of the City and the PVNCC District School Board, on the proposed new lot adjacent to the school property. The easement will be completed at the expense of the developer. The City can review and provide the clearance of a Condition of Consent on behalf of the City and the PVNCCDSB, or alternatively PVNCCDSB can also review and provide a clearance, if the Board requires/wants to review.

We recommend the following condition:

The Owner shall convey an easement over Lot # to be severed, to the City of Kawartha Lakes and Peterborough Victoria Northumberland and Clarington Catholic District School Board, for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage.

Please let us know if you have any questions.

Thank you,

Roberta

Roberta Perdue, C.E.T.

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

12 Peel Street, Lindsay, ON K9V 5R8

Tel: 705-324-9411 ext. 1154 | Toll Free: 1-888-822-2225 | www.kawarthalakes.ca



Subject	FW: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road
From	Roberta Perdue
To	Janet Wong
Cc	Christina Sisson; Kirk Timms; Joseph Newbery
Sent	Wednesday, September 13, 2017 1:11 PM

Good Afternoon,

Engineering provides the following comments:

- Engineering recommends the applicant enter into a Consent Agreement with the City, to establish entrances and overall lot grading for the proposed lots. As part of the Consent Agreement, a detailed Overall Lot Grading Plan and Sediment and Erosion Control Plan must be prepared, to confirm conformity to the City's entrance policies and lot grading requirements.
- Engineering recommends an easement be formalized on the proposed severed parcel D03-06-018, to confirm the existing drainage from the adjacent school property and St. Luke's Road.

Subject	RE: Carroll Consent applications FW: Letter regarding nitrate concentrations	APPENDIX “ F-5 “
From	David Kerr	to REPORT <u>COA2019-015</u>
To	Janet Wong; Richard Holy	
Sent	Friday, November 16, 2018 2:09 PM	

Hi Janet-yes the nitrate levels are within an acceptable level. If one was to put a warning clause on the agreement it would be our recommendation to ensure that the water should be tested annually and treated for bacteria and pathogens if utilized for a drinking water supply.

Thanks Dave
David Kerr P. Geo.
Manager of Environmental Services,
Public works, City of Kawartha Lakes
dkerr@kawarthalakes.ca
705-324-9411 ext 1118
705-340-3448 cell

From: David Kerr
Sent: Friday, September 15, 2017 12:43 PM
To: Janet Wong
Subject: RE: Dave's comments on proposed severances on 305 St. Lukes Road, Downeyville

Hi Janet
I have reviewed the information you provided me and am confident that based on the information supplied in the Cambium report there is more than sufficient groundwater quantity to sustain the proposed lots without causing an issue with the neighboring supplies and any major impact to the aquifer. However I do have some concerns with the water quality of the groundwater supply and how it may be impacted after development. I do question whether or not the water quality will meet Ministry of the Environment and Climate Changes's Maximum Acceptable concentrations of 10 mg/l. for nitrates. This is a health standard as opposed to aesthetic standard. Based on one test in December of 2015 of the recently installed pumping well on site the nitrate level was 8.24 mg/l. This is close to the limit of 10 mg/l and it is possible at other times of the year the concentration actually exceeds 10 mg/l. To assess if this is the case it would be recommended that additional samples be undertaken for comparison purposes.

In addition I have a concern that the proposed wells are immediately downgradient of the school. Assuming that the school is on a septic system there may be even higher nitrates in the groundwater between the well PW101 and the school. This would mean that Lot D is in an even riskier location i.e. potential higher nitrate concentrations in the groundwater closer to the source which would potentially

be the school septic system. I am assuming that the school is on a septic system as opposed to holding tanks. This uncertainty needs to be better understood.

The other factor that does not appear to have been considered but may impact the water quality is that there has not been any nitrate loading studies undertaken to assess what the contribution of nitrates to the groundwater will be from the proposed development. This should be undertaken by a professional firm such as Cambium to evaluate if the proposed development will cause levels on site or offsite to exceed 10 mg/l.

Hope these comments are useful!

Dave

David Kerr P. Geo.

Manager of Environmental Services,

Public works, City of Kawartha Lakes

dkerr@kawarthalakes.ca

705-324-9411 ext 1118

705-340-3448 cell

APPENDIX “ F-6 “
to
REPORT COA2019-015

From: Katie Jane Harris [<mailto:kjharris@kawarthaconservation.com>]

Sent: Wednesday, August 30, 2017 3:16 PM

To: Janet Wong; Christina Sisson; Susanne Murchison

Cc: Derryk Wolven; Anne Elmhirst; Ron Warne

Subject: RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road

Good Afternoon,

As per Ron Warne, Director Planning, Development & Engineering's email of June 27, 2017, "Kawartha Region Conservation Authority has no further comments or concerns related to the granting of provisional consent for the four applications".

I trust this is of assistance.

Best Regards,

Katie Jane

Katie Jane Harris B.E.S.

Resources Planner

KAWARTHA CONSERVATION

277 Kenrei Road

Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Subject	305 St Lukes Property EIS and Flood Study Review
From	<u>Angela Horner</u>
To	khurford@ecovueconsulting.com
Cc	rwarne@kawarthaconservation.com; Janet Wong
Sent	Thursday, November 24, 2016 1:10 PM
Attachments	<<Carroll-Trogenza_LD_FLOODPLAIN_PEER-REVIEW_20161117.pdf>>

Dear Ken:

Please find following KRCA comment on the EIS by Cambium Inc. (Aug 2015) regarding the proposed severance at 305 St. Luke's Street, Geographic Township of Emily, City of Kawartha Lakes.

Also please find attached Central Lake Ontario Conservation Authority's peer review of the C.C. Tatham and Associates Ltd. Floodplain Analysis (Sept 2015) for the same site.

EIS comments are:

Wetland

The wetland, of which part of is in the study area, is delineated only on the south side of the wetland that is in the study area. The wetland itself is approximately 9ha and so should be treated as a wetland greater than 2ha. The EIS appears to use the area of the wetland within the study area as wetland size, but it is the whole wetland that is used to calculate wetland area. Wetlands greater than 2 ha are treated as provincially significant with an adjacent area of 120m to consider, as per OMNR direction and KRCA policy. With this new perspective of wetland as significant, what is EIS recommended development setback?

Woodland

The moist woodland communities in the study area (CUW1-moist, FOC4-1) are adjacent to significant wetland (as above) and contiguous with woodland leading to significant woodland NW of the on-site communities. This adjacency effects evaluation of their significance level as per the Natural Heritage Reference Manual (NHRM). The mapping of the CKL OP significant woodland boundary northwest of the site ends with an administrative boundary (see straight lines) yet actual/ecological woodland continues south and west to the on-site woodland. This may have been overlooked or not considered in the EIS. Patches in forest cover of connecting area appear to be wetland similar in form to the patch classified in the EIS and likely connected to the adjacent wetland. Patches in forest cover are not large enough to be considered a break in the above mentioned woodland (as per NHRM).

Does EIS recognize the moist woodlands as significant woodlands abutting significant woodlands, and overlapping and abutting significant wetland contributing to the ecological benefit to these features (NHRM criteria and standards)? Or at a minimum a buffer to these features? Significant woodlands have adjacent area of 120m to consider. Does EIS recommend development buffers to these woodlands?

Lot lines

Consistent with the Provincial Policy Statement, KRCA policies do not support boundaries through significant natural heritage features and buffers of these features. As such, lot lines should be reconfigured to not bisect significant features and to keep buffers with features. Recommend reconfiguring lots to exclude wetland, woodland and associated buffers. If not feasible to keep buffers with feature, at a minimum lot lines should not bisect features. If EIS does not consider woodland significant, KRCA strongly recommends keeping woodlands as buffer to wetlands, and this reflected in lot lines.

Fish Habitat

Portions of the wetland that are contiguous with Emily Creek would be considered fish habitat, and so the limit of the 120m of adjacent lands may extend further into the site than the report indicates. *KRCA staff reviewing to advise on this. Comment to this available next week.*

Please feel free to call for any reason.

Best regards,

Angela

Angela Horner
Resources Planner
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

received
Feb 21/19

PETER L. ROACH
CATHOLIC
EDUCATION
CENTRE

APPENDIX " F-7 "

to

REPORT COA2019-015

February 21, 2019

Janet Wong, MCIP RPP

Planner II, Development Services – Planning Division

City of Kawartha Lakes

Subject: Consent Applications D03-16-018. Carroll 305 St. Luke Rd. Emily.

In regards to the above application, it is the Boards understanding that the drain pipe that exits west from the school property is a municipal drain pipe connected to catch basins along St. Luke Road. To the best of our knowledge, the school property does not access this drain pipe.

The School Board would like to ensure that drainage from this pipe is not impeded in any way as a result of severance and building on the lot in question. As such, the School Board requests as a condition of provisional consent that an easement be registered on the title in favour of the Board. The Board also understands that the cost of the easement will be at the expense of the developer.

To this end, the Board would like to have the opportunity to provide clearance of this condition.

Sincerely,

Kevin Hickey

Manager of Purchasing, Planning and Facilities Administration
PVNCCDSB
1355 Lansdowne Street West
Peterborough, ON. K9J 7M3
705-748-4861 x234
kevhickey@pvnccdsb.on.ca

8/31/16

I WOULD LIKE TO BE NOTIFIED OF
THE RECOMMENDATION AND/OR
DECISION OF THE CITY OF KAWARTHA
LAKES IN RESPECT OF THE PROPOSED
CONSENT RE: 305 ST. LUKES ROAD
PART LOT 6 CONC. 10.

D03-16-015 D03-16-016

D03-16-017 D03-16-018

PLEASE KEEP ME ADVISED AS I TRIED
TO SEVER A LOT (WITH HOUSE ON IT) FROM
MY FARM TO FULFILL A WILL AND WAS
FLATLY DENIED. WOULD BE VERY
INTERESTED IN HOW THEY ARE DOING
THESE SEVERANCES SO I CAN ALSO DO
IT.

PLC Lucas
937 Sturgeon Rd
Lindsay, Ontario

RECEIVED

SEP 01 2016

City of Kawartha Lakes
Development Services
Planning Division

326 St. Lukes Rd.

Aug. 21, 2016.

APPENDIX " G-2 "

to

REPORT COA2019-015

Mr. Mayor, Councilors, Radio & gentlemen.
My concerns lay with the following lots:
D03-16-016, D03-16-017, D03-16-018.

While I would certainly miss the wonderful view of the hills, trees and wildlife my greatest concern is the issue of ^{#1} safety.

My name is Jean Johnson and we have owned our property across the road from D03-16-018 for over 25 years.

What you may or may not know is that these properties are located on a hill.

I don't know how my own driveway was allowed because of the lack of visibility with vehicles coming over the hill - all look clear, you start your turn into or out of the driveway ^{not good} only to realize a vehicle has crested the hill and is bearing down on you - some will say what's the problem the road is posted with reduced speed limit signs and school zone signs but like everywhere else a sign is only effective if obeyed and there are always people out there that don't comply.

It may not ^{look} like much of a hill but come out park your vehicles and walk the hill in both directions, you will see exactly what I mean.

I feel that adding more driveways on both sides of the hill will be tempting fate... and setting a dangerous precedence.

Not something I would want to take responsibility for. Definitely not a safe location for ~~driveways~~ driveways.

X bjm.

Issue #2.

Now I am not sure whether they will have one well on each property or a main shared well but nevertheless what happens if they drill into the same water vein we use and it is not adequate and I end up with water problems for over 25 years we have had great water and lots of it, no problems. But who takes the responsibility if there is a problem - or am I left high and dry?

I would appreciate it if my concerns are addressed and I would like to be informed on the outcome of the proceedings.

Thank you.

Jean Johnson property owner
Kathy Johnson property owner

RECEIVED

AUG 22 2016

City of Kawartha Lakes
Development Services
Planning Division

Proposed Conditions – D03-16-015 – Lot 1

1. This approval applies to the transaction applied for June 2, 2016 for Lot 1 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 for a 0.47 ha. lot with an existing dwelling subject to such minor revisions as required to extend the 52.9 m. lot line to intersect directly with the 74.7 m lot line as illustrated on the Sketch for Severance.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-016 – Lot 2

1. This approval applies to the transaction applied for June 2, 2016 for Lot 2 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.35 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-017 – Lot 3

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-018 – Lot 4

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. The owner shall convey a drainage easement, free and clear of encumbrances, along the east property line in favour of the City of Kawartha Lakes for the conveyance of surface water from the inlet to the outlet, be over the existing drainage structure(s), and provide sufficient space for operation and maintenance activities associated with the drainage flow path. The easement width will be determined through the drainage plan and will start from the intersection of the corrugated steel pipe with the property line and extend north to the rear property line.
5. A copy of the registered Transfer for the drainage easement be provided to the Secretary-Treasurer along with the deed for fulfillment of condition 4.
6. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
7. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 6;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,

- iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner's solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;
 - be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
8. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 9. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 10. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 11. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 12. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 13. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 14. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 15. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 16. The applicant shall pay all costs associated with the preparation and registration of the required documents.

17. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Carroll
Report Number COA2019-015

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: Applications to sever four residential lots, with areas ranging from 0.35 hectares to 0.47 hectares, and retain approximately 15.3 hectares of vacant rural land. The property is located at 305 St. Luke's Road, geographic Township of Emily (Files D03-16-015, D03-16-016, D03-16-017, D03-16-018).

Author: Janet Wong, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-015, Robert and Shari Carroll, be received;

That consent application D03-16-015, being an application to sever 0.47 hectares with an existing dwelling, with the conditions of provisional consent substantially in the form attached as Appendix "H1" to Report COA2019-015, be **Granted**;

That consent application D03-16-016, being an application to sever 0.35 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H2" to Report COA2019-015, be **Granted**;

That consent application D03-16-017, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H3" to Report COA2019-015, be **Granted**;

That consent application D03-16-018, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H4" to Report COA2019-015, be **Granted**; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Background:

The owners have applied to sever four residential lots on the north side of St. Luke's Road in the hamlet of Downeyville. The original applications intended to sever a total of 1.8 hectares and retain lands with frontage on St. Luke's Road and Sturgeon Road. After receiving comments from the agencies and the City, applications D03-16-015 (Lot 1) and D03-16-016 (Lot 2) were reconfigured to address entrance and natural heritage features. Applications D03-16-017 (Lot 3) and D03-16-018 (Lot 4) remained the same. Thus there is a total area being severed of 1.6 ha and retained lands of 15.3 ha. (approximate). See Appendices C to D inclusive.

Emily Creek crosses the retained lands flowing northerly through an unevaluated wetland and woodland. The creek is about 120 metres away from the closest proposed lot line. The balance of the property is meadow and culturally maintained. A ridge, about 10 metres high, crosses the severed lands. An existing residence would be located on Lot 1.

These applications were deemed complete June 2, 2016.

Owners: Robert and Shari Carroll
Applicant: EcoVue Consulting Services Inc. (Ken Hurford)
Legal Description: Lot 6, Concession 10, geographic Township of Emily, now City of Kawartha Lakes
Official Plan: "Hamlet" - retained and severed lands
"Environmental Protection" and "Prime Agricultural" - retained lands
City of Kawartha Lakes Official Plan
Zone: "Agricultural (A1) Zone" - severed and retained lands
"Environmental Protection (EP) Zone" - retained lands
Township of Emily Zoning By-law 1996-30
Site Size: Existing – 16.9 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-015 (Lot 1)	0.47	16.43
D03-16-016 (Lot 2)	0.35	16.08
D03-16-017 (Lot 3)	0.40	15.68
D03-16-018 (Lot 4)	0.40	15.28
Total	1.6	15.3

Site Servicing: Private individual wells and septic systems
Existing Uses: Large lot rural residential
Adjacent Uses: North: Agricultural

East: Hamlet: Residential, Commercial and St. Luke Catholic
Elementary School
South: Agricultural, Hamlet: Residential and Church
West: Agricultural

Rationale:

The applicant submitted the following reports and plans in support of the applications, which were circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report (EcoVue Consulting Services, dated May 12, 2016). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2017), City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law 1996-30.
2. Environmental Impact Study - 305 St. Luke's Road, City of Kawartha Lakes (Cambium, dated August 5, 2015) (EIS). The report identifies and assesses the natural heritage features in the context of the proposed severances and 2014 Provincial Policy Statement Natural Heritage and Natural Hazard policies. The EIS was prepared to cover lands within 30 metres of the proposed lots.
3. Hydrogeological Assessment – Lot 6, Concession 10, Township of Emily (Cambium Inc. dated February 18, 2016). The report evaluates ground water quantity and quality to determine the availability of a potable well water supply to service three (3) proposed vacant residential lots for development as Lot 1 has an existing dwelling.
4. Emily Creek Floodplain Analysis (C.C. Tatham & Associates, dated September 25, 2015). The analysis establishes the flood elevation across the site.
5. Consent Sketches (EcoVue Consulting Services, dated May 11, 2016).

Minimum Distance Separation calculations to establish the distance between proposed lots and existing barns and manure storage facilities are not required as the proposed lots are within a settlement area. Subsequent to receiving comments from City Departments and Agencies, additional information was provided to address entrances, drainage, grading, and natural heritage features and the lots were reconfigured as illustrated on the consolidated revised sketch (dated August 16, 2017) in Appendix D and which are being tabled before the Committee.

The Planning Justification Report along with subsequent supporting information advises that the severed lands would be consistent with both provincial and municipal planning policies and documents as supported by the EIS, hydrogeological assessment and delineation of the flood plain.

The EIS concluded that a small portion of the woodlands on the retained lands, Lot 2 and Lot 3 could be considered significant due to connection with wetland habitat. A 30 metre setback for buildings and septic systems from the wetland and candidate

woodland area was identified as adequate to mitigate any potential impacts. The EIS also identified 'cultural woodland' which was not classified as significant.

The hydrogeological assessment concluded that there is sufficient water quantity for individual wells without interfering with existing wells. For water quality, four water quality parameters were discussed based on criteria from Provincial Drinking Water Quality Standards (ODWQS):

	Parameter	Category	Concentration
1	Nitrate/Nitrite	Health related	Elevated
2	Hardness	Aesthetic	Exceeded
3	Sodium	Aesthetic	Elevated
4	Chloride	Aesthetic	Elevated

The recommendation was that dwellings should be equipped with treatment systems and particularly reverse osmosis to treat nitrate/nitrites. The report also indicated that "additional water quality monitoring for nitrates should be considered in the absence of treatment, and continue until a favourable trend (reducing concentrations) is established."

The flood plain analysis defined the flood plain as 254.56 metres above sea level in the vicinity of the proposed lots. The proposed lots are about 30 metres from the flood plain.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed severance.

Policy Conformity

Provincial Policy Statement, 2014 (PPS)

Under the PPS, the subject property is considered to be Rural Settlement Area within the Rural Area of the City. Rural Settlement Areas shall be the focus of growth and development. Where there is no municipal or communal servicing, individual on-site water and sewage services may be used for infilling and minor rounding-out of existing development. Implicit with the provision of water and sewage services is that they be provided in a manner that protects human health and the natural environment.

The PPS also requires the proposed development to have no negative impact on significant natural features and their ecological functions. The EIS identified unevaluated wetland and candidate significant woodland proximate to the severed lands.

The PPS also requires the proposed development to be located outside the flood plain and erosion hazard. The proposed lots are outside the floodplain and there was no

erosion hazard associated with Emily Creek identified. There is also sufficient area on the retained lands for development outside of flood risk areas.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. The Growth Plan directs development to settlement areas and in particular new multiple lots in the Rural Area. The severed lands are outside the Agricultural System and Natural Heritage System for the Growth Plan as these Systems are outside of settlement areas. The proposal conforms with the policies of the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan)

In keeping with Provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas, including rural settlement areas.

The subject property is designated “Hamlet” in the Official Plan; “Environmental Protection (EP)” designation follows Emily Creek; and, “Prime Agricultural” designation is over the north-west corner of the retained lands. Four (4) consents fronting on St. Luke’s Road are permitted provided that there is adequate potable water supply as well as having access and not inhibiting logical growth on the retained lands. The minimum lot size should be 0.4 hectares.

Consent policies indicate the minimum lot area should be 0.4 hectares. The average lot size is 0.4 hectares, with Lot 1 being slightly larger and Lot 2 being slightly smaller. Lot 1 is irregular in shape (Appendix “D”). The 52.92 metre lot line should be extended to meet the side lot line eliminating the jog in the proposed property line. It is estimated that the reduced lot area would still place the average lot area at 0.4 hectares.

The EP designation may be refined through a flood plain study. The Study has refined the flood plain limit and demonstrated that the proposed lots are outside the flood plain, as well, access routes to permit future development on the retained lands will not be compromised. While the EP designation does not reflect the entire flood plain, an Official Plan amendment is not required as the Study refines the boundary.

The Natural Heritage System (NHS) includes unevaluated wetlands and significant woodlands. An EIS confirms the boundaries of natural heritage features (using Ecological Land Classification – ELC) and assesses the potential impacts from the development on the features and functions. The EIS identified meadow marsh and White Cedar coniferous forest as significant vegetation communities that City staff considers to be part of the NHS.

Contiguous with these features is ‘cultural woodland-moist’ on the retained lands and small portions of the severed lands (Lots 3 and 4). The PPS does not limit the identification of woodlands to ELC ‘forest types’. Staff considers the ‘cultural woodland-moist’ to also be significant being contiguous with and meeting at least the same criterion for significance as the White Cedar coniferous forest.

The proposed lot lines for Lot 2 and Lot 3 minimizes the extent of significant woodland on these lots. The Study recommended buffer of 30 metres from the White Cedar coniferous forest should be applied to the 'cultural woodland-moist' on Lots 2, 3, and 4. A 30 metre buffer from the wetland is supported for Lot 1 which is developed. Staff is recommending that the woodland, wetland, and 30 metre buffer be zoned as "Environmental Protection (EP) Zone", with no additional setback from the EP Zone boundary, for development to meet the intent of Provincial and City policy of no negative impact on these natural features. The approximate extent of the affected area is illustrated in Appendix "E".

Lots may also be permitted when it has been established that there is sufficient potable water. The applicant has demonstrated that there will be sufficient quantity of water to supply three new dwellings and not affect other wells.

With respect to water quality, nitrate/nitrite is a health-related parameter with a maximum acceptable concentration of 10mg/L. The applicant's original water quality testing was on samples taken in December 2015. Upon concerns with elevated nitrate/nitrite levels based on one sample time expressed by the City, water samples through several seasons were tested. It has been confirmed that there would not be fluctuations in nitrate/nitrite levels above maximum acceptable concentrations. Staff concur with the consultant's recommendation for water treatment as this parameter is elevated. A consent agreement, registered on title, is recommended to ensure future landowners are aware that reverse osmosis treatment is recommended or water quality monitored where treatment is not installed.

Following Provincial Drinking Water Quality Standards (ODWQS), chloride, sodium and hardness levels are elevated or exceeded, however are at concentrations that can be treated for domestic purposes. Future landowners should be made aware of high concentrations for these water quality parameters and treatment may be desirable. This would also be included in the consent agreement as a warning on title.

Zoning By-law Conformity

The severed lands are zoned "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30. The proposed use is permitted. While the proposed lots do not meet the minimum lot area and lot frontage requirements, The A1 Zone (Section 7.2.1.7) allows for use and development in accordance with "Rural Residential Type One (RR1) Zone" requirements. However being in a Hamlet, a "Hamlet Residential (HR) Zone" would be more appropriate as it allows for a wider range of suitable residential uses and the balance of Downeyville residential properties are zoned HR Zone. It is recommended that the lands be rezoned to an HR Zone.

The lot to be retained is zoned as "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone". The proposed lot would not meet the minimum lot area requirement nor minimum lot frontage as a "through lot". As well, Section 3.13.1 requires that no lot shall be created within multiple zones unless the lot complies with the minimum lot area and lot frontage of the applicable zones. An amendment to the

Zoning By-law would be required in order for the retained lands to comply with the Zoning By-law.

The EP Zone covers most of the woodland and wetland area on the property. Development should not be located within the significant forest and rezoned as identified previously.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

Lots 2 to 4 inclusive and the retained lands will be serviced by new private well and septic system. Lot 1 has a private well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency and City Comments:

Building Division – Building Inspection (August 18, 2016): No concerns

Building Division – Sewage Inspection (July 26, 2016, September 7, 2017, February 8, 2019): Future owners be advised that backwash from treatment systems for drinking water should not be directed to septic systems. See comments.

Community Services Department (August 31, 2016): Cash-in-lieu of parkland required for each lot.

Development Engineering Division (September 13, 2017, January 19, 2019): recommends entering into a Consent Agreement with the City for the four lots and registering a drainage easement over Lot 4. See comments.

Environmental Services Division – (September 15, 2017, November 16, 2018): Recommends that a warning clause be included in a consent agreement to ensure that drinking water is tested annually and treated if necessary for bacteria and pathogens.

Kawartha Region Conservation Authority (November 24, 2016, August 30, 2017): No concerns. See comments.

Peterborough Victoria Northumberland and Clarington Catholic District School Board (PVNC School Board) (February 21, 2019): drainage from St. Luke Catholic Elementary School does not enter the drainage pipe. Requested a drainage easement in favour of the School Board over D03-16-018. See comments.

Public Comments:

Mr. Lucas (August 31, 2016): Please advise of decision. See comments.

Jean and Kathy Johnson (August 21, 2016): Concerns with traffic safety, impact on their water supply. See comments.

Planning Analysis:

Staff spoke with Ms. Johnson regarding her concerns. The consultant has demonstrated to Engineering staff that the proposed entrances will not present a safety hazard and that water quantity will not be adversely affected.

Drainage from the City road allowance has been piped across St. Luke Catholic Elementary School and the pipe terminates at Lot 4. Water flows overland from the outlet. Staff for the PVNC School Board has confirmed that drainage from the school property does not utilize the pipe and have not identified any future requirement for drainage across the Carroll property utilizing the drainage pipe. An easement would confer responsibility on the PVNC School Board to maintain the pipe and the drainage route within the easement for water that is not from their property. As such, Planning Staff are of the opinion that an easement in favour of the School Board is not warranted.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2017 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lots will be developed based on the revised concept include:

1. zoning by-law amendment for:
 - a. the severed lands to HR-* Zone and EP Zone to restrict development within natural heritage features and the 30 metre buffer with no further setback requirement from the EP Zone,
 - b. permit an undersized retained lot with two zones,
 - c. a part of the retained lands to EP Zone to reflect the boundary of the significant natural heritage features and flood plain;
2. a consent agreement be registered on title that includes:
 - a. a lot grading and drainage plan, which will identify entrances, building envelope, and septic system locations
 - b. erosion and sediment control plan; and
 - c. water quality warnings and recommendations
3. entrance permit
4. cash in lieu of parkland; and
5. specific to Lot 4, a drainage easement, in favour of the City, over the drainage route and existing drainage structure to allow for operation and maintenance associated with the conveyance of drainage from the St. Luke's road allowance.

Attachments

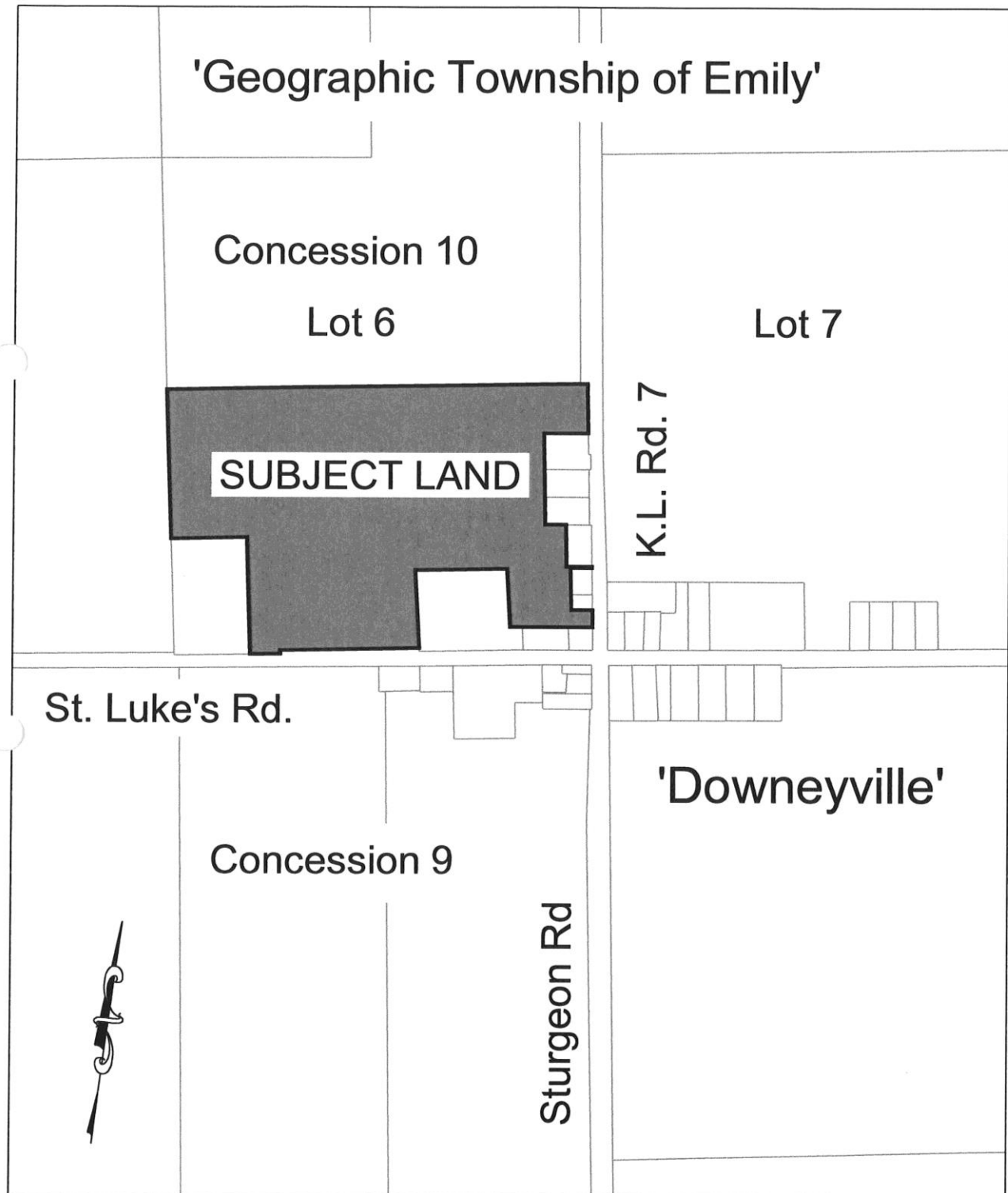


Appendices A-H.pdf

Appendix A – Location Map
Appendix B – Orthoimage
Appendix C – Applicant's Sketch Original
Appendix D – Applicant's Sketch Revised
Appendix E – Illustration of Proposed Extent of Environmental Protection Zone
Appendix F – City and Agency Comments
Appendix G – Public Comments
Appendix H – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1330
E-Mail: jwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D03-16-015, D03-16-016, D03-16-017, D03-16-0

D03-16-015, D03-16-016, D03-16-017, D03-16-018

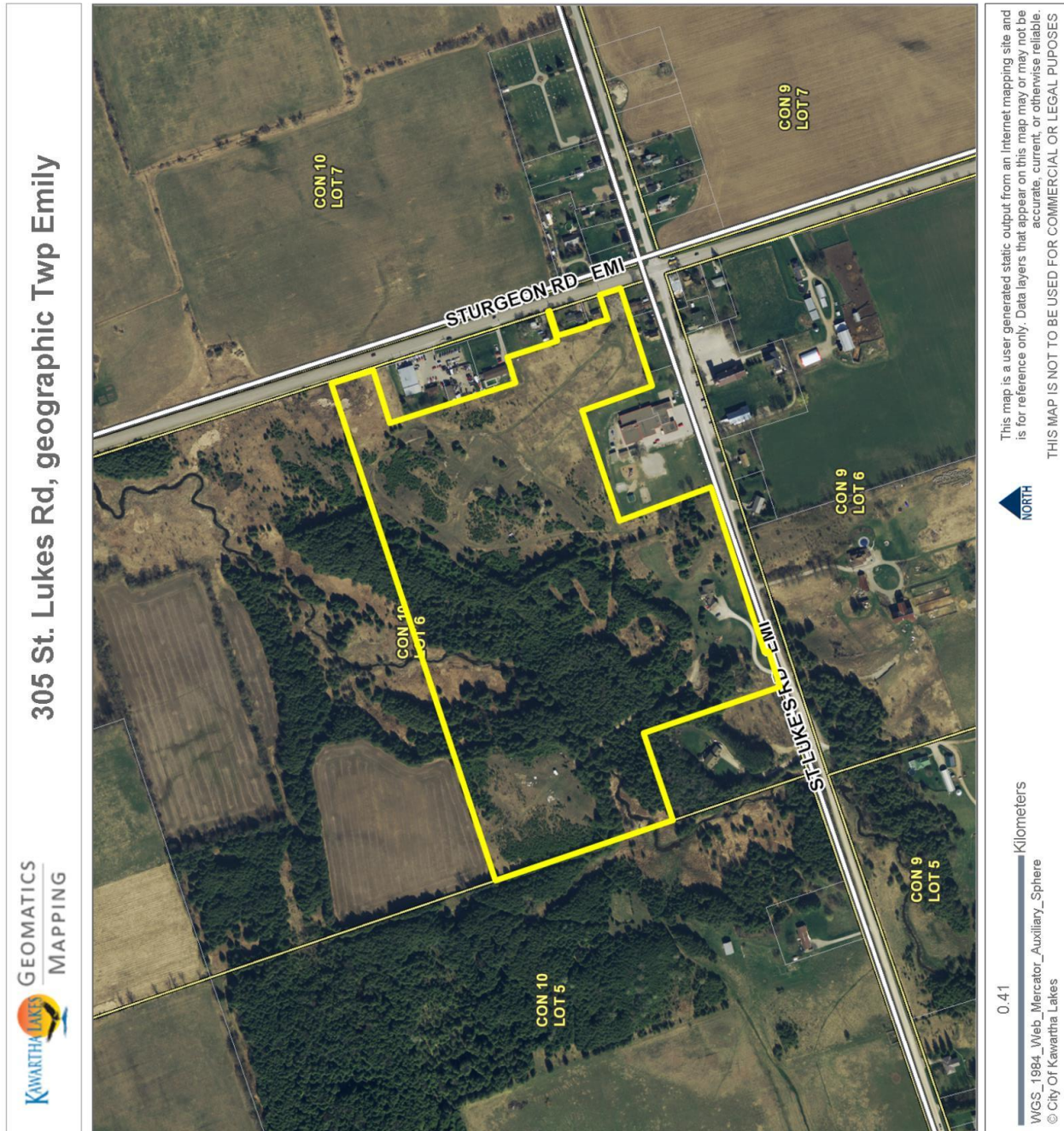







- Legend**
- == Road Centreline
 - Upper Municipalities
 - Lower Tier Municipalities
 - Property ROLL #
 - Lots and Concessions

APPENDIX “ B-1 “
to
REPORT COA2019-015

Notes
Notes





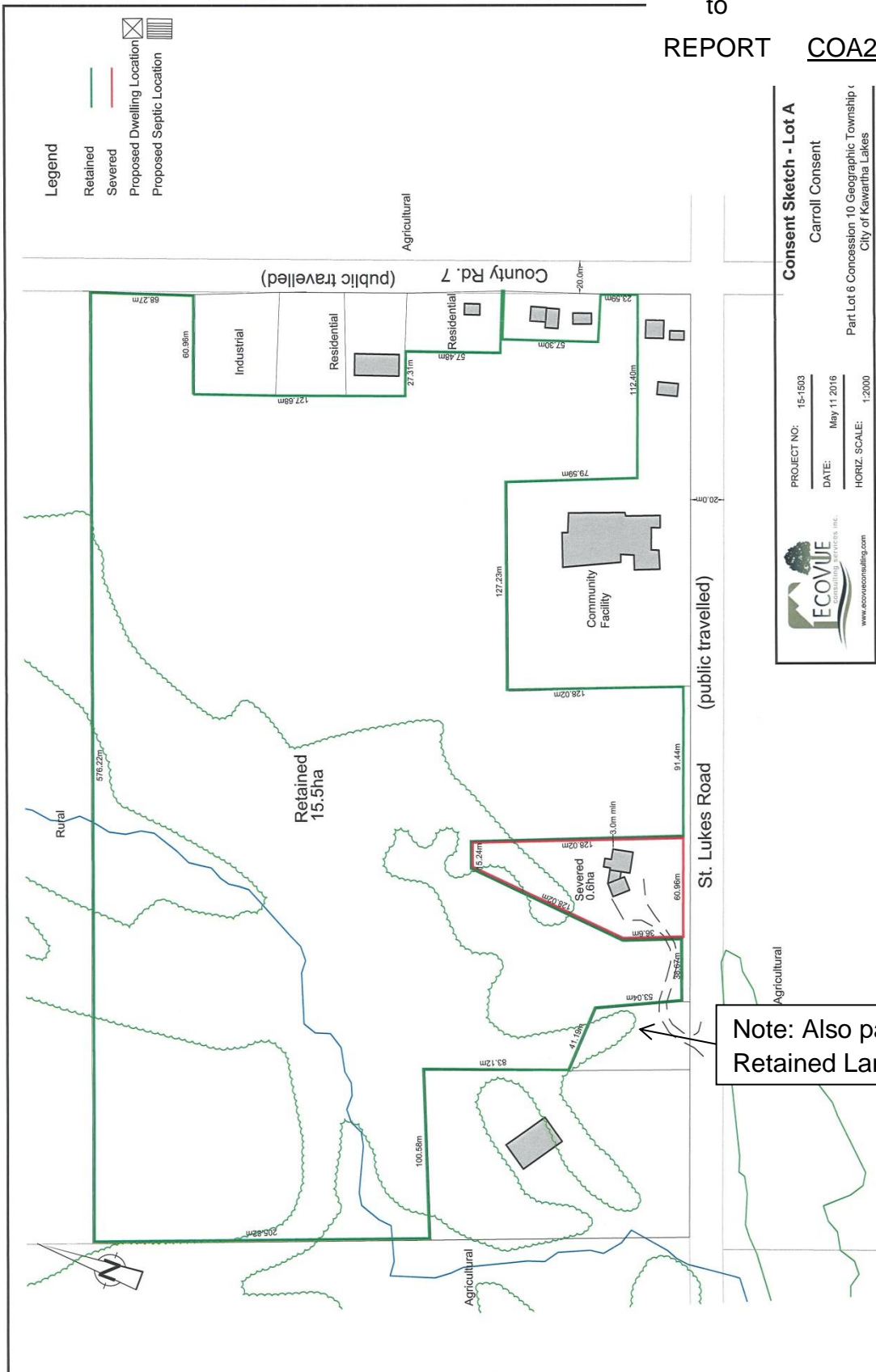
- Legend**
-  Road Centreline
 -  Upper Municipalities
 -  Lower Tier Municipalities
 -  Property ROLL#
 -  Lots and Concessions

Notes

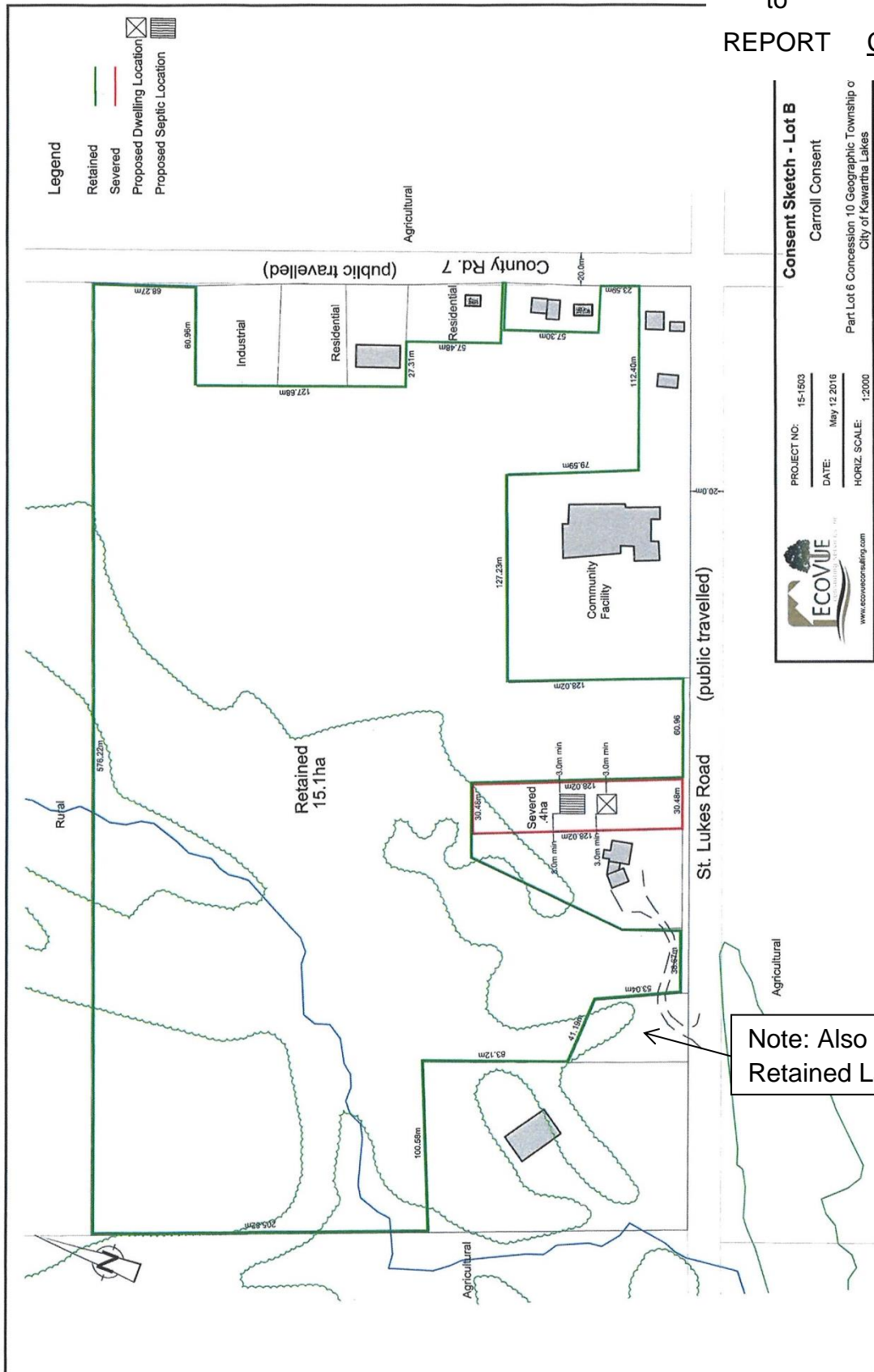
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.13 Kilometers
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City Of Kawartha Lakes



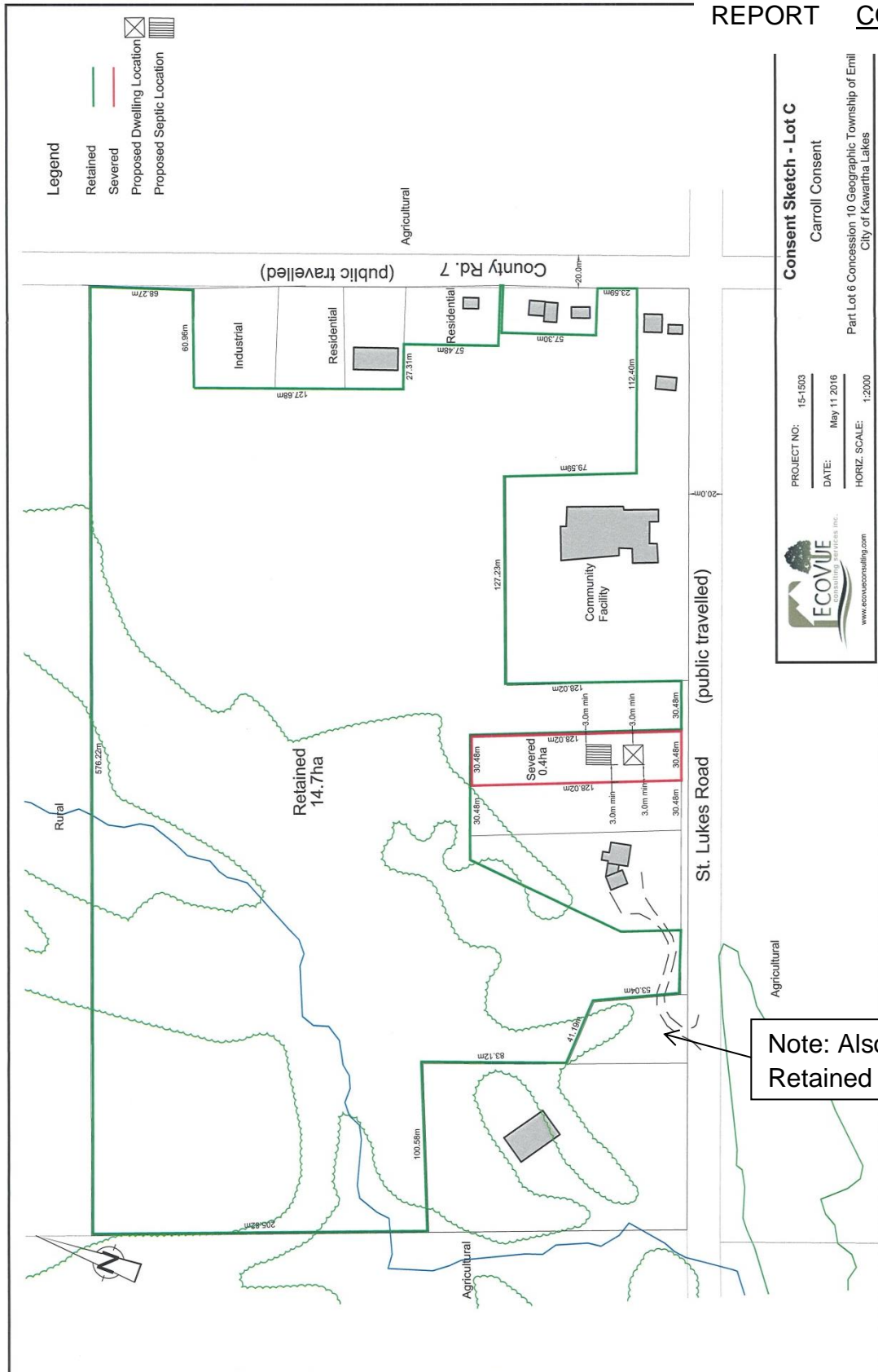
to

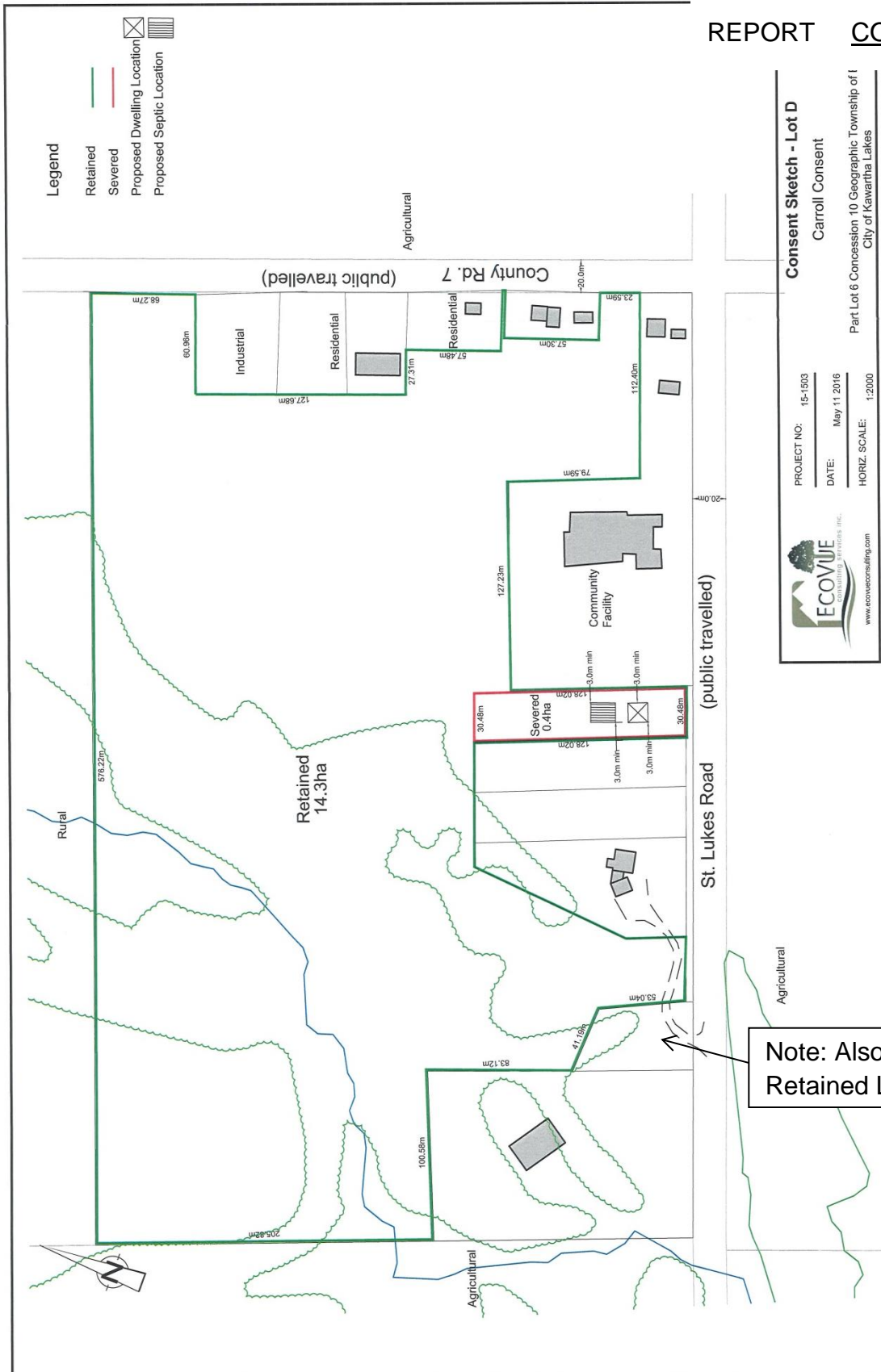
REPORT COA2019-015

Original Application– D03-16-017 – Lot 3

to

REPORT COA2019-015





APPENDIX “ D ”
to
REPORT COA2019-015



APPENDIX “ E ”
to
REPORT COA2019-015



Subject	Consents
From	Derryk Wolven
To	Susan Cully
Sent	Thursday, August 18, 2016 10:34 AM

APPENDIX “ F-1 ”
to
REPORT COA2019-015

Please be advised the building division has the following comments:

D03-16-014 No setback dimensions provided. Unable to assess potential spatial separation issues.
D03-16-015 No concerns
D03-16-016 No concerns
D03-16-017 No concerns
D03-16-018 No concerns
D03-16-020 No information provided with respect to the driveshed. Area of building face is key to review of spatial separation requirement. 6.1m would permit a building face area of 10m2 with no ratings applied to the wall exposing the proposed lot line.

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@city.kawarthalakes.on.ca

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Subject	RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road		
From	Anne Elmhirst	APPENDIX “	F-2 “
To	Janet Wong	to	
Sent	Friday, February 08, 2019 2:24 PM	REPORT	<u>COA2019-015</u>

Hello Janet,

Thank you for providing further information on the proposed consent applications on St. Luke's Road and the concerns for the water treatment devices as a result of the drinking water quality. Treatment devices attached to drinking water supplies often have backwash requirements to maintain the system. The backwashing practice can be detrimental to the sewage disposal system. As such, I would request an acknowledgement be provided in the consent agreements to identify that backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 1882
1-888-822-2225
Fax: 705-324-5514
website: www.city.kawarthalakes.on.ca

July 26, 2016

City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West,
Lindsay, ON
K9V 2Y6

Attention: Ms. Rea,

RE: Consent Application – Severance
305 St. Luke's Road,
Lot S ½ Lt 6, Conc. 10
Former Emily Township,
City Of Kawartha Lakes
File: D03-16-015-018
Owner: Bob Carroll

Our office has received and reviewed the above-mentioned applications to sever 1 residential lot with a dwelling, 3 vacant residential lots, and to retain a vacant parcel of land at the above-mentioned property.

The site was assessed to determine the suitability for the installation of new sewage disposal systems in relation to the severed and retained portions.

The vacant land consists of mostly sandy gravel material. However, there are some pockets in the low lying lands that contain silty sand and silt till materials with presence of water table. The location of proposed sewage systems at the time of development will determine whether the systems can be installed into the existing grade or require fill-based systems to compensate for high water table and impervious soils.

It has been determined that the severed properties identified as D03-16-0016, D03-16-017, and D03-16-018 are suitable for the installation of new Class 4 Sewage Disposal Systems to the minimum requirements of the Ontario Building Code.

The severed property identified as D03-16-015 has an existing dwelling serviced by an existing Class 4 Sewage System (File EM-7-00). The property boundaries have been designated to incorporate the existing sewage system.

The retained portion will accommodate a Class 4 Sewage Disposal System. However, it will be required to be maintained outside of the areas identified as Significant Woodland or Wetland.

Therefore, the Building Division – Sewage System Program has no objection to the proposed consent applications.

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 1882.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A Elmhirst'.

Anne Elmhirst, B.A. Sc., B.Sc.(H), C.P.H.I. (C)
Sewage System Coordinator
City of Kawartha Lakes



*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

MEMORANDUM

APPENDIX " F-3 "

to

REPORT COA2019-015

DATE: August 31, 2016
TO: **Committee of Adjustment**
FROM: Lisa Peimann, Executive, Community Services
RE: Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-16-014	771 Lilac Road, Ops
D03-16-015-D03-16-018	305 St. Luke's Road, Emily

Community Services has no concerns regarding these following applications:

D03-16-020-D03-16-021	18619 Simcoe Street & Vacant Land, Mariposa
-----------------------	---



Craig Shanks
Director of Community Services

Subject	RE: St. Lukes School - Downeyville - drainage
From	Roberta Perdue
To	Janet Wong; 'Kevin Hickey'
Cc	Christina Sisson; Richard Holy
Sent	Wednesday, January 09, 2019 7:58 AM

APPENDIX “ F-4 ”
to
REPORT COA2019-015

Good Morning,

Further to our discussions, Engineering confirms that an easement is required for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage, in favour of the City and the PVNCC District School Board, on the proposed new lot adjacent to the school property. The easement will be completed at the expense of the developer. The City can review and provide the clearance of a Condition of Consent on behalf of the City and the PVNCCDSB, or alternatively PVNCCDSB can also review and provide a clearance, if the Board requires/wants to review.

We recommend the following condition:

The Owner shall convey an easement over Lot # to be severed, to the City of Kawartha Lakes and Peterborough Victoria Northumberland and Clarington Catholic District School Board, for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage.

Please let us know if you have any questions.

Thank you,

Roberta

Roberta Perdue, C.E.T.

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

12 Peel Street, Lindsay, ON K9V 5R8

Tel: 705-324-9411 ext. 1154 | Toll Free: 1-888-822-2225 | www.kawarthalakes.ca



Subject	FW: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road
From	Roberta Perdue
To	Janet Wong
Cc	Christina Sisson; Kirk Timms; Joseph Newbery
Sent	Wednesday, September 13, 2017 1:11 PM

Good Afternoon,

Engineering provides the following comments:

- Engineering recommends the applicant enter into a Consent Agreement with the City, to establish entrances and overall lot grading for the proposed lots. As part of the Consent Agreement, a detailed Overall Lot Grading Plan and Sediment and Erosion Control Plan must be prepared, to confirm conformity to the City's entrance policies and lot grading requirements.
- Engineering recommends an easement be formalized on the proposed severed parcel D03-06-018, to confirm the existing drainage from the adjacent school property and St. Luke's Road.

Subject	RE: Carroll Consent applications FW: Letter regarding nitrate concentrations	APPENDIX “ F-5 “
From	David Kerr	to REPORT <u>COA2019-015</u>
To	Janet Wong; Richard Holy	
Sent	Friday, November 16, 2018 2:09 PM	

Hi Janet-yes the nitrate levels are within an acceptable level. If one was to put a warning clause on the agreement it would be our recommendation to ensure that the water should be tested annually and treated for bacteria and pathogens if utilized for a drinking water supply.

Thanks Dave
David Kerr P. Geo.
Manager of Environmental Services,
Public works, City of Kawartha Lakes
dkerr@kawarthalakes.ca
705-324-9411 ext 1118
705-340-3448 cell

From: David Kerr
Sent: Friday, September 15, 2017 12:43 PM
To: Janet Wong
Subject: RE: Dave's comments on proposed severances on 305 St. Lukes Road, Downeyville

Hi Janet
I have reviewed the information you provided me and am confident that based on the information supplied in the Cambium report there is more than sufficient groundwater quantity to sustain the proposed lots without causing an issue with the neighboring supplies and any major impact to the aquifer. However I do have some concerns with the water quality of the groundwater supply and how it may be impacted after development. I do question whether or not the water quality will meet Ministry of the Environment and Climate Changes's Maximum Acceptable concentrations of 10 mg/l. for nitrates. This is a health standard as opposed to aesthetic standard. Based on one test in December of 2015 of the recently installed pumping well on site the nitrate level was 8.24 mg/l. This is close to the limit of 10 mg/l and it is possible at other times of the year the concentration actually exceeds 10 mg/l. To assess if this is the case it would be recommended that additional samples be undertaken for comparison purposes.

In addition I have a concern that the proposed wells are immediately downgradient of the school. Assuming that the school is on a septic system there may be even higher nitrates in the groundwater between the well PW101 and the school. This would mean that Lot D is in an even riskier location i.e. potential higher nitrate concentrations in the groundwater closer to the source which would potentially

be the school septic system. I am assuming that the school is on a septic system as opposed to holding tanks. This uncertainty needs to be better understood.

The other factor that does not appear to have been considered but may impact the water quality is that there has not been any nitrate loading studies undertaken to assess what the contribution of nitrates to the groundwater will be from the proposed development. This should be undertaken by a professional firm such as Cambium to evaluate if the proposed development will cause levels on site or offsite to exceed 10 mg/l.

Hope these comments are useful!

Dave

David Kerr P. Geo.

Manager of Environmental Services,
Public works, City of Kawartha Lakes

dkerr@kawarthalakes.ca

705-324-9411 ext 1118

705-340-3448 cell

APPENDIX “ F-6 “
to
REPORT COA2019-015

From: Katie Jane Harris [<mailto:kjharris@kawarthaconservation.com>]

Sent: Wednesday, August 30, 2017 3:16 PM

To: Janet Wong; Christina Sisson; Susanne Murchison

Cc: Derryk Wolven; Anne Elmhirst; Ron Warne

Subject: RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road

Good Afternoon,

As per Ron Warne, Director Planning, Development & Engineering's email of June 27, 2017, "Kawartha Region Conservation Authority has no further comments or concerns related to the granting of provisional consent for the four applications".

I trust this is of assistance.

Best Regards,

Katie Jane

Katie Jane Harris B.E.S.

Resources Planner

KAWARTHA CONSERVATION

277 Kenrei Road

Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Subject	305 St Lukes Property EIS and Flood Study Review
From	<u>Angela Horner</u>
To	khurford@ecovueconsulting.com
Cc	rwarne@kawarthaconservation.com; Janet Wong
Sent	Thursday, November 24, 2016 1:10 PM
Attachments	<<Carroll-Tregenza_LD_FLOODPLAIN_PEER-REVIEW_20161117.pdf>>

Dear Ken:

Please find following KRCA comment on the EIS by Cambium Inc. (Aug 2015) regarding the proposed severance at 305 St. Luke's Street, Geographic Township of Emily, City of Kawartha Lakes.

Also please find attached Central Lake Ontario Conservation Authority's peer review of the C.C. Tatham and Associates Ltd. Floodplain Analysis (Sept 2015) for the same site.

EIS comments are:

Wetland

The wetland, of which part of is in the study area, is delineated only on the south side of the wetland that is in the study area. The wetland itself is approximately 9ha and so should be treated as a wetland greater than 2ha. The EIS appears to use the area of the wetland within the study area as wetland size, but it is the whole wetland that is used to calculate wetland area. Wetlands greater than 2 ha are treated as provincially significant with an adjacent area of 120m to consider, as per OMNR direction and KRCA policy. With this new perspective of wetland as significant, what is EIS recommended development setback?

Woodland

The moist woodland communities in the study area (CUW1-moist, FOC4-1) are adjacent to significant wetland (as above) and contiguous with woodland leading to significant woodland NW of the on-site communities. This adjacency effects evaluation of their significance level as per the Natural Heritage Reference Manual (NHRM). The mapping of the CKL OP significant woodland boundary northwest of the site ends with an administrative boundary (see straight lines) yet actual/ecological woodland continues south and west to the on-site woodland. This may have been overlooked or not considered in the EIS. Patches in forest cover of connecting area appear to be wetland similar in form to the patch classified in the EIS and likely connected to the adjacent wetland. Patches in forest cover are not large enough to be considered a break in the above mentioned woodland (as per NHRM).

Does EIS recognize the moist woodlands as significant woodlands abutting significant woodlands, and overlapping and abutting significant wetland contributing to the ecological benefit to these features (NHRM criteria and standards)? Or at a minimum a buffer to these features? Significant woodlands have adjacent area of 120m to consider. Does EIS recommend development buffers to these woodlands?

Appendices Page 20 of 34

Lot lines

Consistent with the Provincial Policy Statement, KRCA policies do not support boundaries through significant natural heritage features and buffers of these features. As such, lot lines should be reconfigured to not bisect significant features and to keep buffers with features. Recommend reconfiguring lots to exclude wetland, woodland and associated buffers. If not feasible to keep buffers with feature, at a minimum lot lines should not bisect features. If EIS does not consider woodland significant, KRCA strongly recommends keeping woodlands as buffer to wetlands, and this reflected in lot lines.

Fish Habitat

Portions of the wetland that are contiguous with Emily Creek would be considered fish habitat, and so the limit of the 120m of adjacent lands may extend further into the site than the report indicates. *KRCA staff reviewing to advise on this. Comment to this available next week.*

Please feel free to call for any reason.

Best regards,

Angela

Angela Horner
Resources Planner
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

received
Feb 21/19

PETER L. ROACH
CATHOLIC
EDUCATION
CENTRE

APPENDIX " F-7 "

to

REPORT COA2019-015

February 21, 2019

Janet Wong, MCIP RPP

Planner II, Development Services – Planning Division

City of Kawartha Lakes

Subject: Consent Applications D03-16-018. Carroll 305 St. Luke Rd. Emily.

In regards to the above application, it is the Boards understanding that the drain pipe that exits west from the school property is a municipal drain pipe connected to catch basins along St. Luke Road. To the best of our knowledge, the school property does not access this drain pipe.

The School Board would like to ensure that drainage from this pipe is not impeded in any way as a result of severance and building on the lot in question. As such, the School Board requests as a condition of provisional consent that an easement be registered on the title in favour of the Board. The Board also understands that the cost of the easement will be at the expense of the developer.

To this end, the Board would like to have the opportunity to provide clearance of this condition.

Sincerely,

Kevin Hickey

Manager of Purchasing, Planning and Facilities Administration
PVNCCDSB
1355 Lansdowne Street West
Peterborough, ON. K9J 7M3
705-748-4861 x234
kevhickey@pvnccdsb.on.ca

8/31/16

I WOULD LIKE TO BE NOTIFIED OF
THE RECOMMENDATION AND/OR
DECISION OF THE CITY OF KAWARTHA
LAKES IN RESPECT OF THE PROPOSED
CONSENT RE: 305 ST. LUKES ROAD
PART LOT 6 CONC. 10.

D03-16-015 D03-16-016

D03-16-017 D03-16-018

PLEASE KEEP ME ADVISED AS I TRIED
TO SEVER A LOT (WITH HOUSE ON IT) FROM
MY FARM TO FULFILL A WILL AND WAS
FLATLY DENIED. WOULD BE VERY
INTERESTED IN HOW THEY ARE DOING
THESE SEVERANCES SO I CAN ALSO DO
IT.

PLC Lucas
937 Sturgeon Rd
Lindsay, Ontario

RECEIVED

SEP 01 2016

City of Kawartha Lakes
Development Services
Planning Division

326 St. Lukes Rd.

Aug. 21, 2016.

APPENDIX " G-2 "

to

REPORT COA2019-015

Mr. Mayor, Councilors, Radio & gentlemen.
My concerns lay with the following lots:
D03-16-016, D03-16-017, D03-16-018.

While I would certainly miss the wonderful view of the hills, trees and wildlife my greatest concern is the issue of ^{#1} safety.

My name is Jean Johnson and we have owned our property across the road from D03-16-018 for over 25 years.

What you may or may not know is that these properties are located on a hill.

I don't know how my own driveway was allowed because of the lack of visibility with vehicles coming over the hill - all look clear, you start your turn into or out of the driveway ^{not good} only to realize a vehicle has crested the hill and is bearing down on you - some will say what's the problem the road is posted with reduced speed limit signs and school zone signs but like everywhere else a sign is only effective if obeyed and there are always people out there that don't comply.

It may not ^{look} like much of a hill but come out park your vehicles and walk the hill in both directions, you will see exactly what I mean.

I feel that adding more driveways on both sides of the hill will be tempting fate... and setting a dangerous precedence.

Not something I would want to take responsibility for. Definitely not a safe location for ~~driveways~~ driveways.
X bjm.

Issue #2.

Now I am not sure whether they will have one well on each property or a main shared well but nevertheless what happens if they drill into the same water vein we use and it is not adequate and I end up with water problems for over 25 years we have had great water and lots of it, no problems. But who takes the responsibility if there is a problem - or am I left high and dry?

I would appreciate it if my concerns are addressed and I would like to be informed on the outcome of the proceedings.

Thank you.

Jean Johnson property owner
Kathy Johnson property owner

RECEIVED

AUG 22 2016

City of Kawartha Lakes
Development Services
Planning Division

Proposed Conditions – D03-16-015 – Lot 1

1. This approval applies to the transaction applied for June 2, 2016 for Lot 1 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 for a 0.47 ha. lot with an existing dwelling subject to such minor revisions as required to extend the 52.9 m. lot line to intersect directly with the 74.7 m lot line as illustrated on the Sketch for Severance.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-016 – Lot 2

1. This approval applies to the transaction applied for June 2, 2016 for Lot 2 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.35 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-017 – Lot 3

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-018 – Lot 4

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. The owner shall convey a drainage easement, free and clear of encumbrances, along the east property line in favour of the City of Kawartha Lakes for the conveyance of surface water from the inlet to the outlet, be over the existing drainage structure(s), and provide sufficient space for operation and maintenance activities associated with the drainage flow path. The easement width will be determined through the drainage plan and will start from the intersection of the corrugated steel pipe with the property line and extend north to the rear property line.
5. A copy of the registered Transfer for the drainage easement be provided to the Secretary-Treasurer along with the deed for fulfillment of condition 4.
6. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
7. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 6;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,

- iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner's solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;
 - be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
8. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 9. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 10. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 11. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 12. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 13. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 14. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 15. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 16. The applicant shall pay all costs associated with the preparation and registration of the required documents.

17. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Carroll
Report Number COA2019-015

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: Applications to sever four residential lots, with areas ranging from 0.35 hectares to 0.47 hectares, and retain approximately 15.3 hectares of vacant rural land. The property is located at 305 St. Luke's Road, geographic Township of Emily (Files D03-16-015, D03-16-016, D03-16-017, D03-16-018).

Author: Janet Wong, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-015, Robert and Shari Carroll, be received;

That consent application D03-16-015, being an application to sever 0.47 hectares with an existing dwelling, with the conditions of provisional consent substantially in the form attached as Appendix "H1" to Report COA2019-015, be **Granted**;

That consent application D03-16-016, being an application to sever 0.35 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H2" to Report COA2019-015, be **Granted**;

That consent application D03-16-017, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H3" to Report COA2019-015, be **Granted**;

That consent application D03-16-018, being an application to sever 0.40 hectares of vacant land, with the conditions substantially in the form attached as Appendix "H4" to Report COA2019-015, be **Granted**; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Background:

The owners have applied to sever four residential lots on the north side of St. Luke's Road in the hamlet of Downeyville. The original applications intended to sever a total of 1.8 hectares and retain lands with frontage on St. Luke's Road and Sturgeon Road. After receiving comments from the agencies and the City, applications D03-16-015 (Lot 1) and D03-16-016 (Lot 2) were reconfigured to address entrance and natural heritage features. Applications D03-16-017 (Lot 3) and D03-16-018 (Lot 4) remained the same. Thus there is a total area being severed of 1.6 ha and retained lands of 15.3 ha. (approximate). See Appendices C to D inclusive.

Emily Creek crosses the retained lands flowing northerly through an unevaluated wetland and woodland. The creek is about 120 metres away from the closest proposed lot line. The balance of the property is meadow and culturally maintained. A ridge, about 10 metres high, crosses the severed lands. An existing residence would be located on Lot 1.

These applications were deemed complete June 2, 2016.

Owners: Robert and Shari Carroll
Applicant: EcoVue Consulting Services Inc. (Ken Hurford)
Legal Description: Lot 6, Concession 10, geographic Township of Emily, now City of Kawartha Lakes
Official Plan: "Hamlet" - retained and severed lands
"Environmental Protection" and "Prime Agricultural" - retained lands
City of Kawartha Lakes Official Plan
Zone: "Agricultural (A1) Zone" - severed and retained lands
"Environmental Protection (EP) Zone" - retained lands
Township of Emily Zoning By-law 1996-30
Site Size: Existing – 16.9 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-015 (Lot 1)	0.47	16.43
D03-16-016 (Lot 2)	0.35	16.08
D03-16-017 (Lot 3)	0.40	15.68
D03-16-018 (Lot 4)	0.40	15.28
Total	1.6	15.3

Site Servicing: Private individual wells and septic systems
Existing Uses: Large lot rural residential
Adjacent Uses: North: Agricultural

East: Hamlet: Residential, Commercial and St. Luke Catholic
Elementary School
South: Agricultural, Hamlet: Residential and Church
West: Agricultural

Rationale:

The applicant submitted the following reports and plans in support of the applications, which were circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report (EcoVue Consulting Services, dated May 12, 2016). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2017), City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law 1996-30.
2. Environmental Impact Study - 305 St. Luke's Road, City of Kawartha Lakes (Cambium, dated August 5, 2015) (EIS). The report identifies and assesses the natural heritage features in the context of the proposed severances and 2014 Provincial Policy Statement Natural Heritage and Natural Hazard policies. The EIS was prepared to cover lands within 30 metres of the proposed lots.
3. Hydrogeological Assessment – Lot 6, Concession 10, Township of Emily (Cambium Inc. dated February 18, 2016). The report evaluates ground water quantity and quality to determine the availability of a potable well water supply to service three (3) proposed vacant residential lots for development as Lot 1 has an existing dwelling.
4. Emily Creek Floodplain Analysis (C.C. Tatham & Associates, dated September 25, 2015). The analysis establishes the flood elevation across the site.
5. Consent Sketches (EcoVue Consulting Services, dated May 11, 2016).

Minimum Distance Separation calculations to establish the distance between proposed lots and existing barns and manure storage facilities are not required as the proposed lots are within a settlement area. Subsequent to receiving comments from City Departments and Agencies, additional information was provided to address entrances, drainage, grading, and natural heritage features and the lots were reconfigured as illustrated on the consolidated revised sketch (dated August 16, 2017) in Appendix D and which are being tabled before the Committee.

The Planning Justification Report along with subsequent supporting information advises that the severed lands would be consistent with both provincial and municipal planning policies and documents as supported by the EIS, hydrogeological assessment and delineation of the flood plain.

The EIS concluded that a small portion of the woodlands on the retained lands, Lot 2 and Lot 3 could be considered significant due to connection with wetland habitat. A 30 metre setback for buildings and septic systems from the wetland and candidate

woodland area was identified as adequate to mitigate any potential impacts. The EIS also identified 'cultural woodland' which was not classified as significant.

The hydrogeological assessment concluded that there is sufficient water quantity for individual wells without interfering with existing wells. For water quality, four water quality parameters were discussed based on criteria from Provincial Drinking Water Quality Standards (ODWQS):

	Parameter	Category	Concentration
1	Nitrate/Nitrite	Health related	Elevated
2	Hardness	Aesthetic	Exceeded
3	Sodium	Aesthetic	Elevated
4	Chloride	Aesthetic	Elevated

The recommendation was that dwellings should be equipped with treatment systems and particularly reverse osmosis to treat nitrate/nitrites. The report also indicated that "additional water quality monitoring for nitrates should be considered in the absence of treatment, and continue until a favourable trend (reducing concentrations) is established."

The flood plain analysis defined the flood plain as 254.56 metres above sea level in the vicinity of the proposed lots. The proposed lots are about 30 metres from the flood plain.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed severance.

Policy Conformity

Provincial Policy Statement, 2014 (PPS)

Under the PPS, the subject property is considered to be Rural Settlement Area within the Rural Area of the City. Rural Settlement Areas shall be the focus of growth and development. Where there is no municipal or communal servicing, individual on-site water and sewage services may be used for infilling and minor rounding-out of existing development. Implicit with the provision of water and sewage services is that they be provided in a manner that protects human health and the natural environment.

The PPS also requires the proposed development to have no negative impact on significant natural features and their ecological functions. The EIS identified unevaluated wetland and candidate significant woodland proximate to the severed lands.

The PPS also requires the proposed development to be located outside the flood plain and erosion hazard. The proposed lots are outside the floodplain and there was no

erosion hazard associated with Emily Creek identified. There is also sufficient area on the retained lands for development outside of flood risk areas.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. The Growth Plan directs development to settlement areas and in particular new multiple lots in the Rural Area. The severed lands are outside the Agricultural System and Natural Heritage System for the Growth Plan as these Systems are outside of settlement areas. The proposal conforms with the policies of the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan)

In keeping with Provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas, including rural settlement areas.

The subject property is designated “Hamlet” in the Official Plan; “Environmental Protection (EP)” designation follows Emily Creek; and, “Prime Agricultural” designation is over the north-west corner of the retained lands. Four (4) consents fronting on St. Luke’s Road are permitted provided that there is adequate potable water supply as well as having access and not inhibiting logical growth on the retained lands. The minimum lot size should be 0.4 hectares.

Consent policies indicate the minimum lot area should be 0.4 hectares. The average lot size is 0.4 hectares, with Lot 1 being slightly larger and Lot 2 being slightly smaller. Lot 1 is irregular in shape (Appendix “D”). The 52.92 metre lot line should be extended to meet the side lot line eliminating the jog in the proposed property line. It is estimated that the reduced lot area would still place the average lot area at 0.4 hectares.

The EP designation may be refined through a flood plain study. The Study has refined the flood plain limit and demonstrated that the proposed lots are outside the flood plain, as well, access routes to permit future development on the retained lands will not be compromised. While the EP designation does not reflect the entire flood plain, an Official Plan amendment is not required as the Study refines the boundary.

The Natural Heritage System (NHS) includes unevaluated wetlands and significant woodlands. An EIS confirms the boundaries of natural heritage features (using Ecological Land Classification – ELC) and assesses the potential impacts from the development on the features and functions. The EIS identified meadow marsh and White Cedar coniferous forest as significant vegetation communities that City staff considers to be part of the NHS.

Contiguous with these features is ‘cultural woodland-moist’ on the retained lands and small portions of the severed lands (Lots 3 and 4). The PPS does not limit the identification of woodlands to ELC ‘forest types’. Staff considers the ‘cultural woodland-moist’ to also be significant being contiguous with and meeting at least the same criterion for significance as the White Cedar coniferous forest.

The proposed lot lines for Lot 2 and Lot 3 minimizes the extent of significant woodland on these lots. The Study recommended buffer of 30 metres from the White Cedar coniferous forest should be applied to the 'cultural woodland-moist' on Lots 2, 3, and 4. A 30 metre buffer from the wetland is supported for Lot 1 which is developed. Staff is recommending that the woodland, wetland, and 30 metre buffer be zoned as "Environmental Protection (EP) Zone", with no additional setback from the EP Zone boundary, for development to meet the intent of Provincial and City policy of no negative impact on these natural features. The approximate extent of the affected area is illustrated in Appendix "E".

Lots may also be permitted when it has been established that there is sufficient potable water. The applicant has demonstrated that there will be sufficient quantity of water to supply three new dwellings and not affect other wells.

With respect to water quality, nitrate/nitrite is a health-related parameter with a maximum acceptable concentration of 10mg/L. The applicant's original water quality testing was on samples taken in December 2015. Upon concerns with elevated nitrate/nitrite levels based on one sample time expressed by the City, water samples through several seasons were tested. It has been confirmed that there would not be fluctuations in nitrate/nitrite levels above maximum acceptable concentrations. Staff concur with the consultant's recommendation for water treatment as this parameter is elevated. A consent agreement, registered on title, is recommended to ensure future landowners are aware that reverse osmosis treatment is recommended or water quality monitored where treatment is not installed.

Following Provincial Drinking Water Quality Standards (ODWQS), chloride, sodium and hardness levels are elevated or exceeded, however are at concentrations that can be treated for domestic purposes. Future landowners should be made aware of high concentrations for these water quality parameters and treatment may be desirable. This would also be included in the consent agreement as a warning on title.

Zoning By-law Conformity

The severed lands are zoned "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30. The proposed use is permitted. While the proposed lots do not meet the minimum lot area and lot frontage requirements, The A1 Zone (Section 7.2.1.7) allows for use and development in accordance with "Rural Residential Type One (RR1) Zone" requirements. However being in a Hamlet, a "Hamlet Residential (HR) Zone" would be more appropriate as it allows for a wider range of suitable residential uses and the balance of Downeyville residential properties are zoned HR Zone. It is recommended that the lands be rezoned to an HR Zone.

The lot to be retained is zoned as "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone". The proposed lot would not meet the minimum lot area requirement nor minimum lot frontage as a "through lot". As well, Section 3.13.1 requires that no lot shall be created within multiple zones unless the lot complies with the minimum lot area and lot frontage of the applicable zones. An amendment to the

Zoning By-law would be required in order for the retained lands to comply with the Zoning By-law.

The EP Zone covers most of the woodland and wetland area on the property. Development should not be located within the significant forest and rezoned as identified previously.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

Lots 2 to 4 inclusive and the retained lands will be serviced by new private well and septic system. Lot 1 has a private well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency and City Comments:

Building Division – Building Inspection (August 18, 2016): No concerns

Building Division – Sewage Inspection (July 26, 2016, September 7, 2017, February 8, 2019): Future owners be advised that backwash from treatment systems for drinking water should not be directed to septic systems. See comments.

Community Services Department (August 31, 2016): Cash-in-lieu of parkland required for each lot.

Development Engineering Division (September 13, 2017, January 19, 2019): recommends entering into a Consent Agreement with the City for the four lots and registering a drainage easement over Lot 4. See comments.

Environmental Services Division – (September 15, 2017, November 16, 2018): Recommends that a warning clause be included in a consent agreement to ensure that drinking water is tested annually and treated if necessary for bacteria and pathogens.

Kawartha Region Conservation Authority (November 24, 2016, August 30, 2017): No concerns. See comments.

Peterborough Victoria Northumberland and Clarington Catholic District School Board (PVNC School Board) (February 21, 2019): drainage from St. Luke Catholic Elementary School does not enter the drainage pipe. Requested a drainage easement in favour of the School Board over D03-16-018. See comments.

Public Comments:

Mr. Lucas (August 31, 2016): Please advise of decision. See comments.

Jean and Kathy Johnson (August 21, 2016): Concerns with traffic safety, impact on their water supply. See comments.

Planning Analysis:

Staff spoke with Ms. Johnson regarding her concerns. The consultant has demonstrated to Engineering staff that the proposed entrances will not present a safety hazard and that water quantity will not be adversely affected.

Drainage from the City road allowance has been piped across St. Luke Catholic Elementary School and the pipe terminates at Lot 4. Water flows overland from the outlet. Staff for the PVNC School Board has confirmed that drainage from the school property does not utilize the pipe and have not identified any future requirement for drainage across the Carroll property utilizing the drainage pipe. An easement would confer responsibility on the PVNC School Board to maintain the pipe and the drainage route within the easement for water that is not from their property. As such, Planning Staff are of the opinion that an easement in favour of the School Board is not warranted.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2017 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lots will be developed based on the revised concept include:

1. zoning by-law amendment for:
 - a. the severed lands to HR-* Zone and EP Zone to restrict development within natural heritage features and the 30 metre buffer with no further setback requirement from the EP Zone,
 - b. permit an undersized retained lot with two zones,
 - c. a part of the retained lands to EP Zone to reflect the boundary of the significant natural heritage features and flood plain;
2. a consent agreement be registered on title that includes:
 - a. a lot grading and drainage plan, which will identify entrances, building envelope, and septic system locations
 - b. erosion and sediment control plan; and
 - c. water quality warnings and recommendations
3. entrance permit
4. cash in lieu of parkland; and
5. specific to Lot 4, a drainage easement, in favour of the City, over the drainage route and existing drainage structure to allow for operation and maintenance associated with the conveyance of drainage from the St. Luke's road allowance.

Attachments

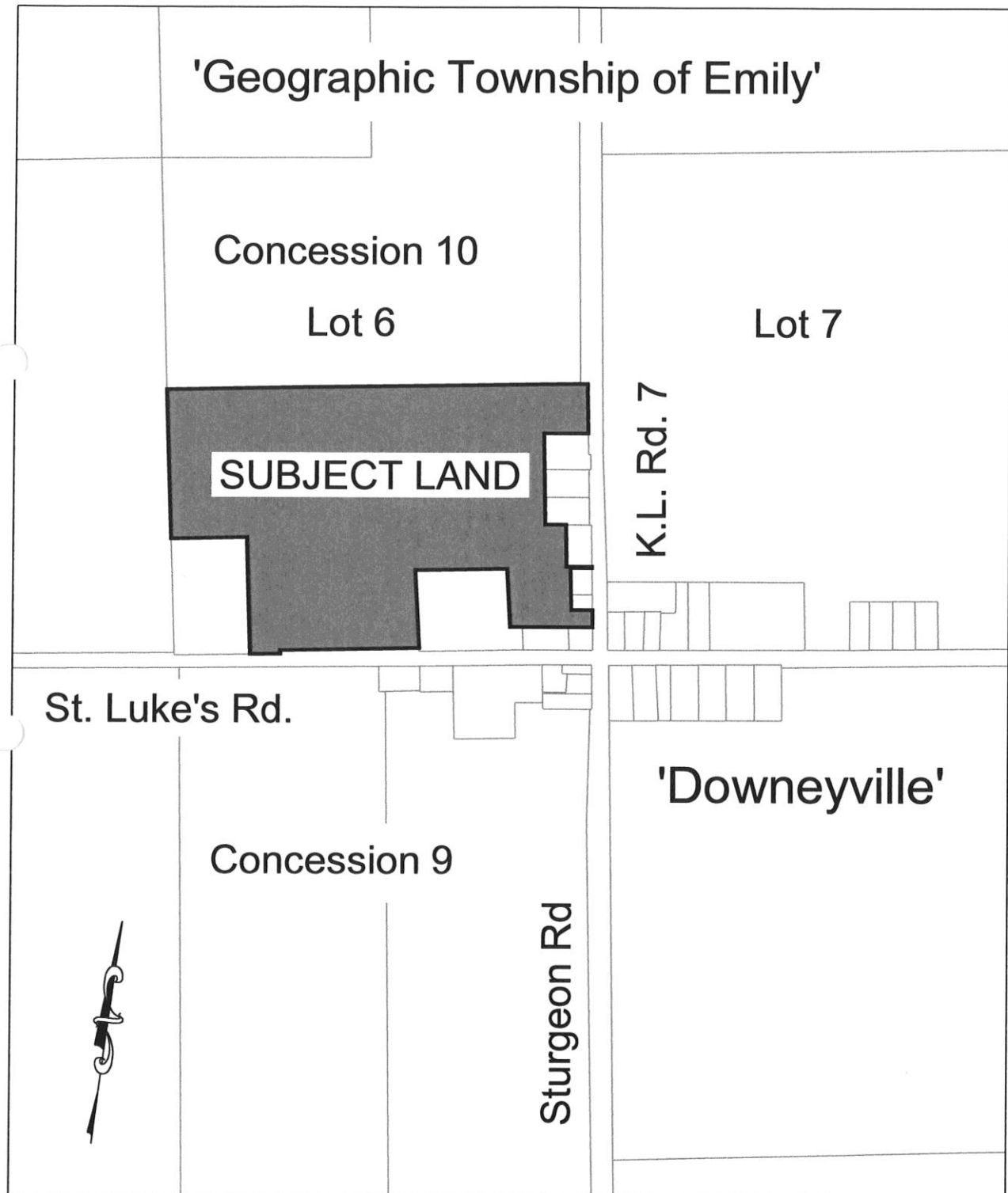


Appendices A-H.pdf

Appendix A – Location Map
Appendix B – Orthoimage
Appendix C – Applicant's Sketch Original
Appendix D – Applicant's Sketch Revised
Appendix E – Illustration of Proposed Extent of Environmental Protection Zone
Appendix F – City and Agency Comments
Appendix G – Public Comments
Appendix H – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1330
E-Mail: jwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D03-16-015, D03-16-016, D03-16-017, D03-16-0

D03-16-015, D03-16-016, D03-16-017, D03-16-018





Legend

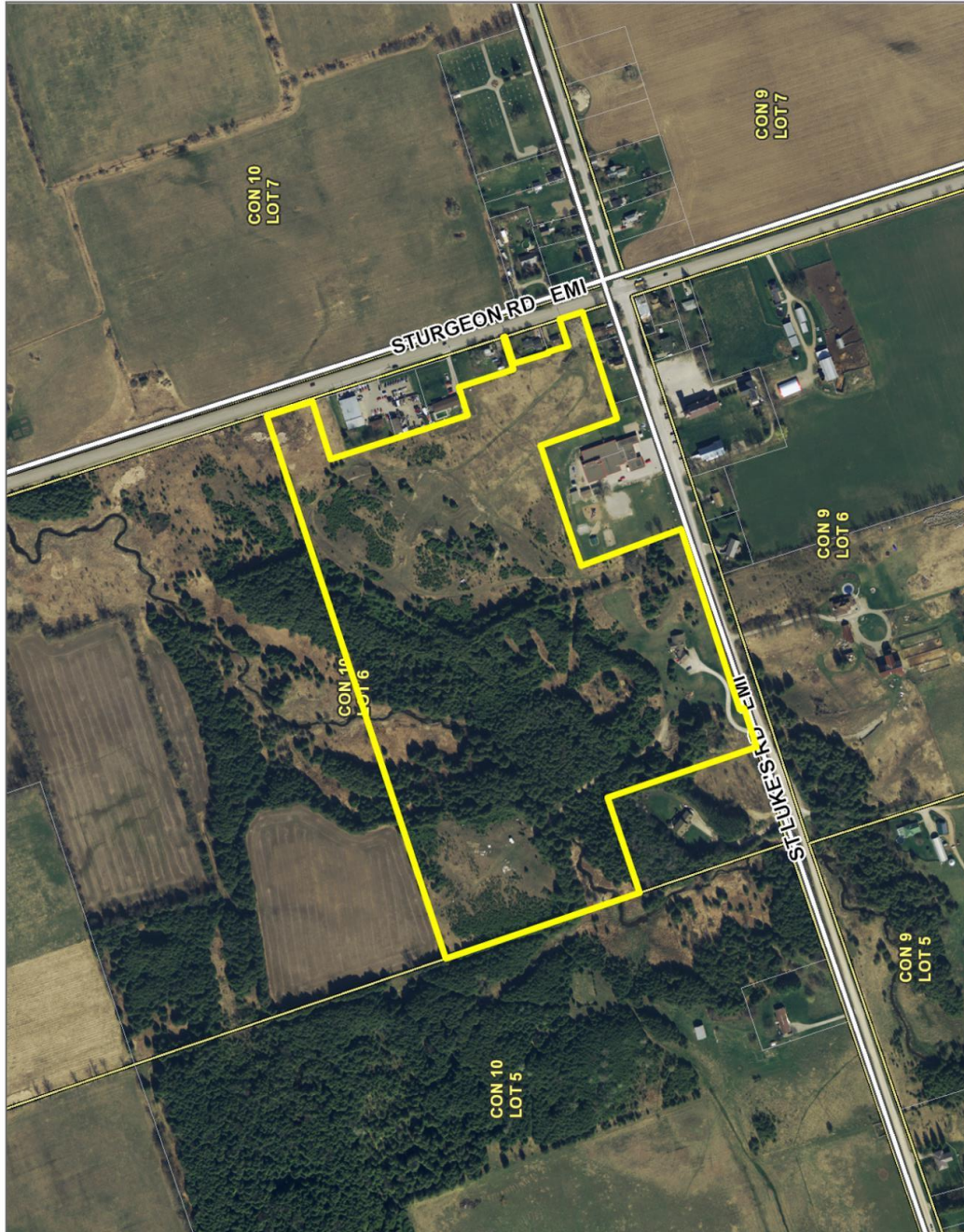
- Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- Property ROLL #
- Lots and Concessions

APPENDIX “ B-1 “ to REPORT COA2019-015

Notes

Notes



305 St. Lukes Rd, geographic Twp Emily



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

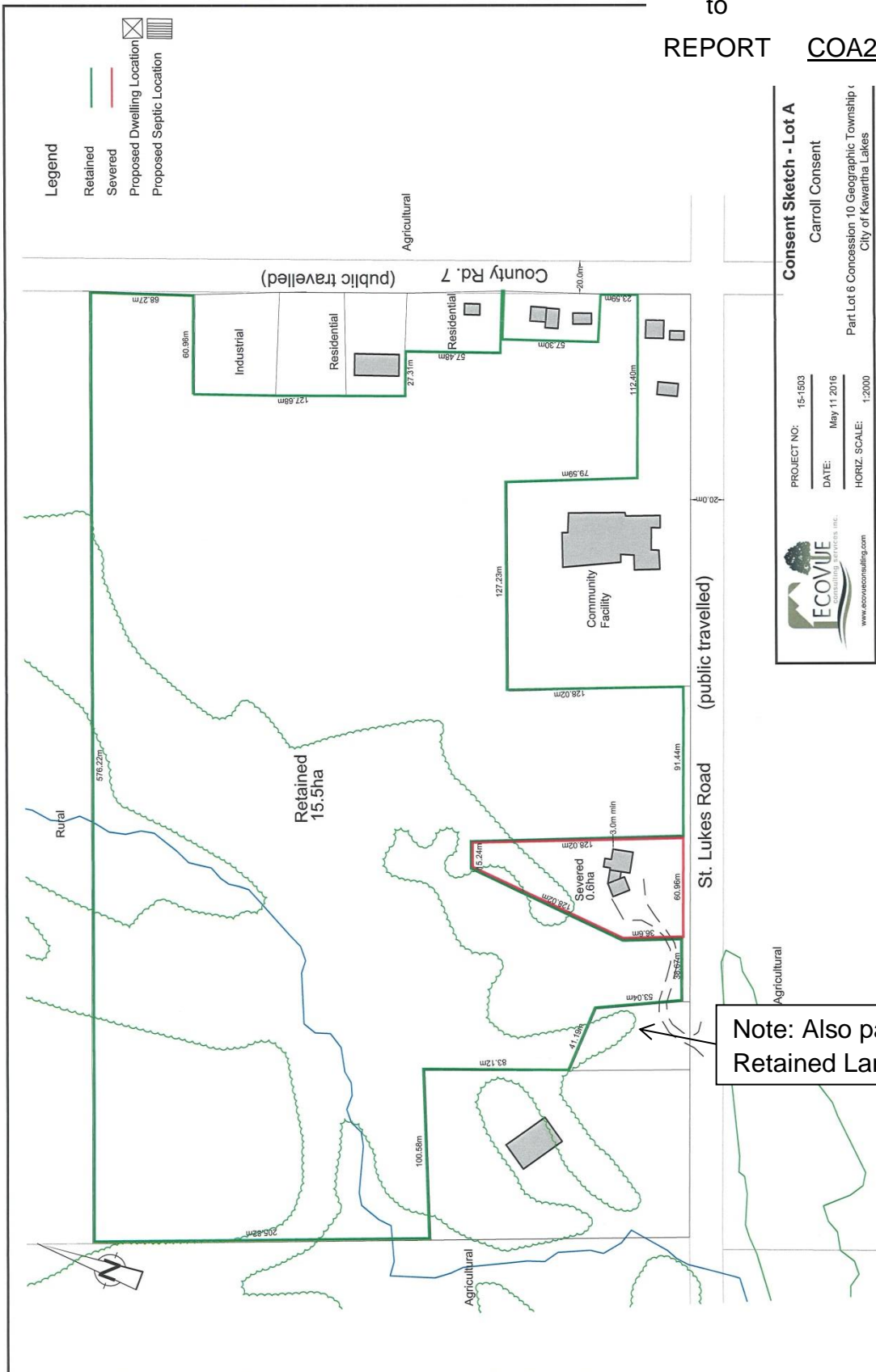
0.41 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

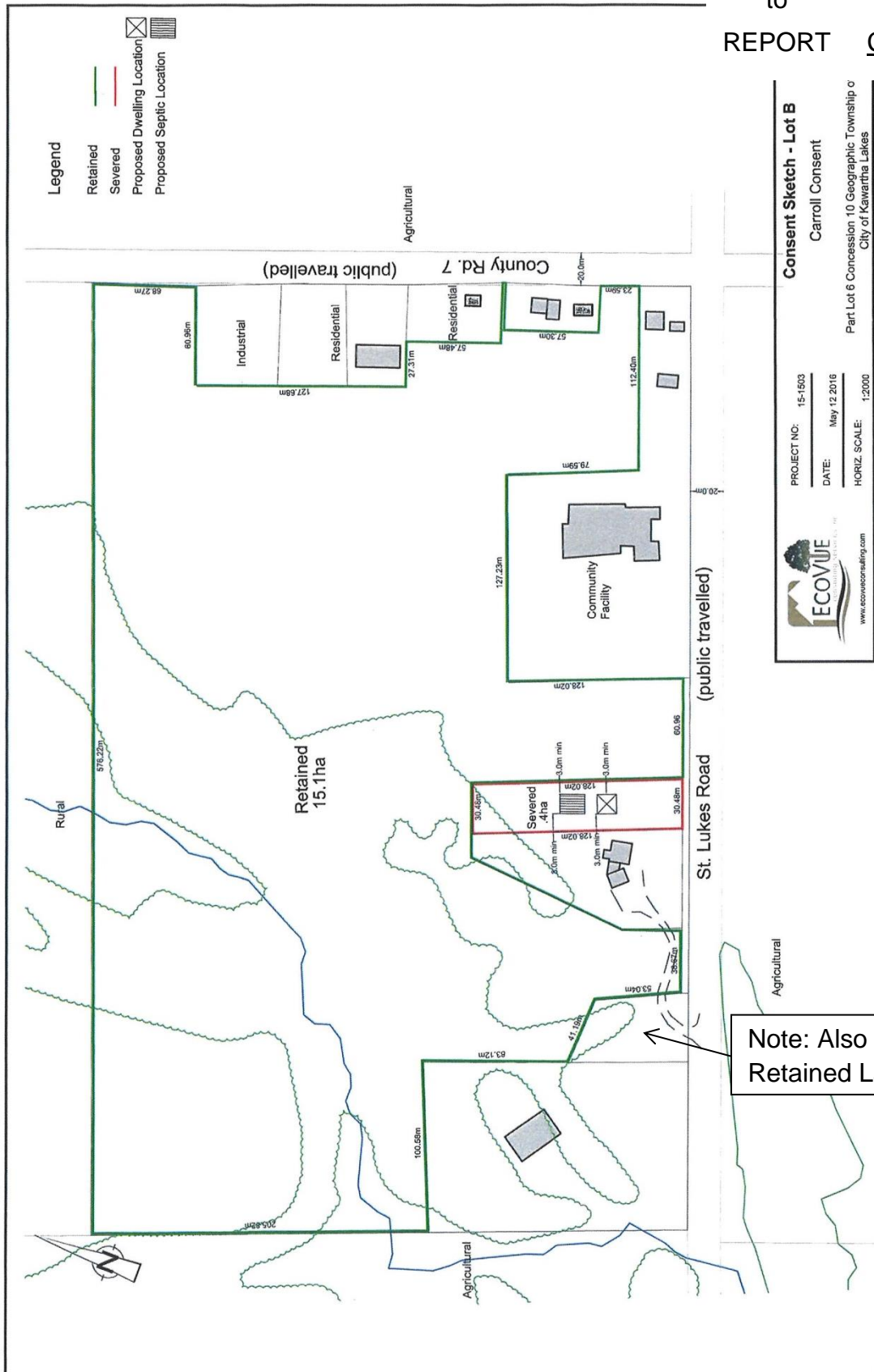


- Legend**
-  Road Centreline
 -  Upper Municipalities
 -  Lower Tier Municipalities
 -  Property ROLL#
 -  Lots and Concessions

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

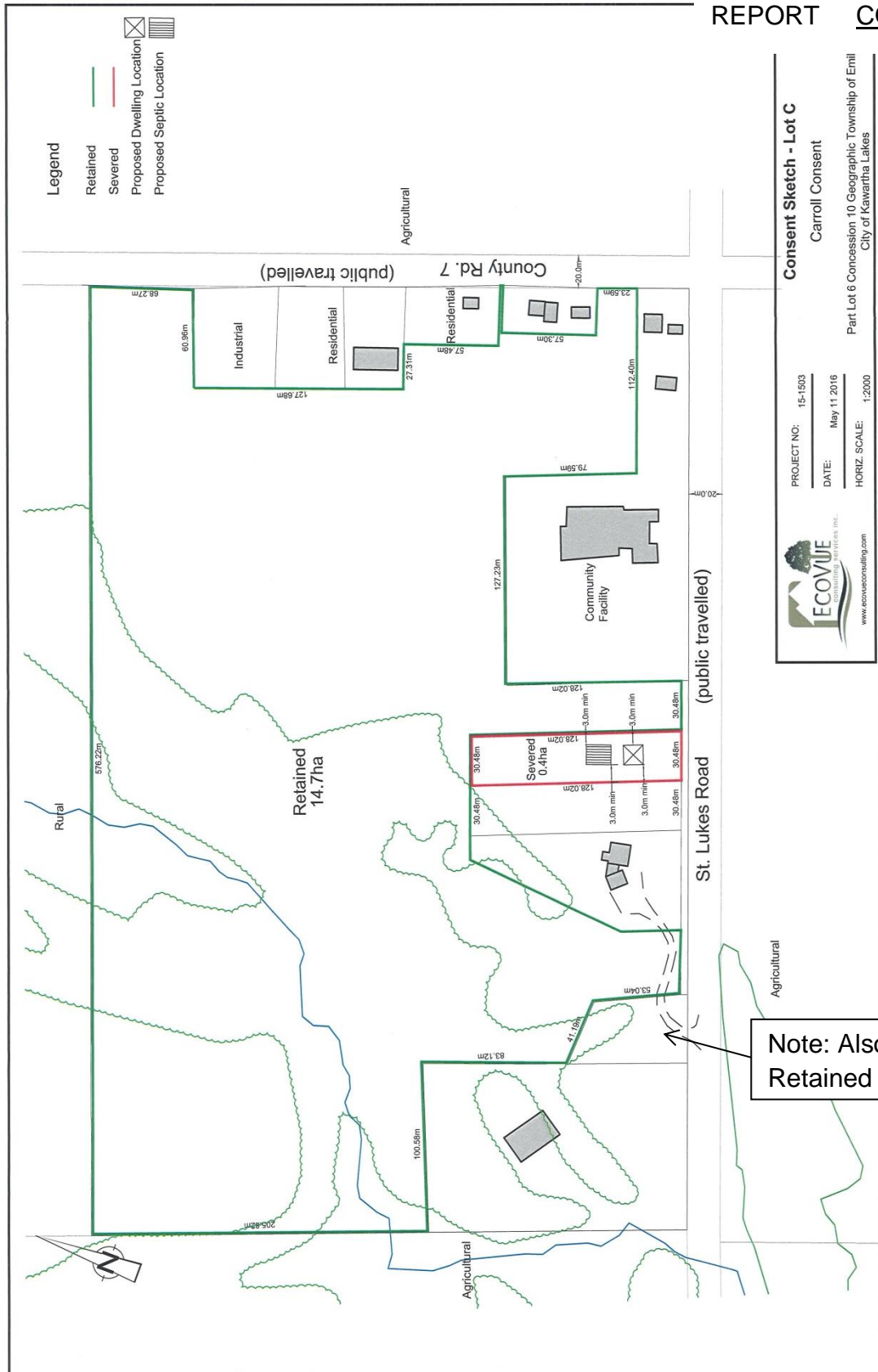


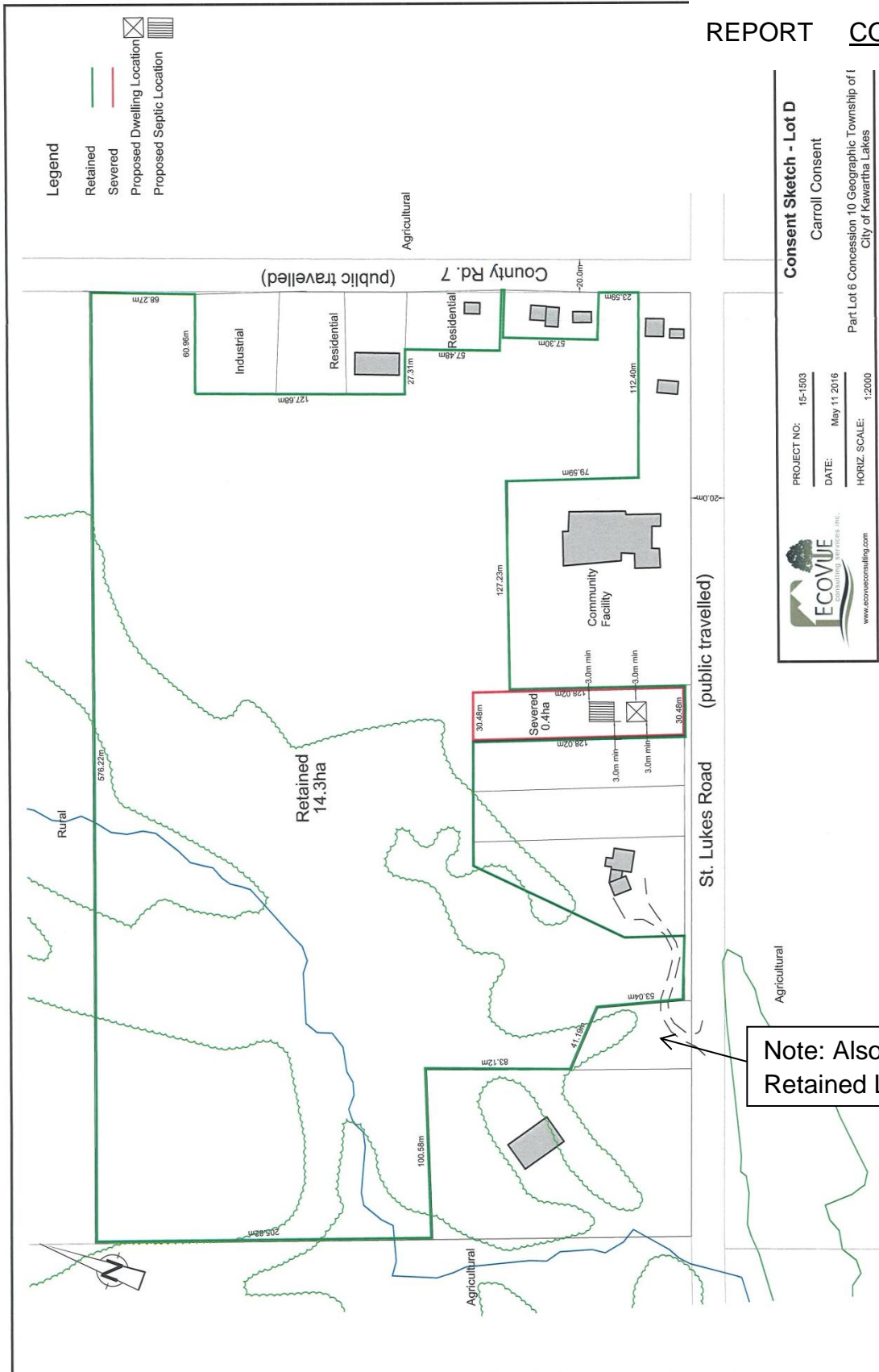


Original Application– D03-16-017 – Lot 3

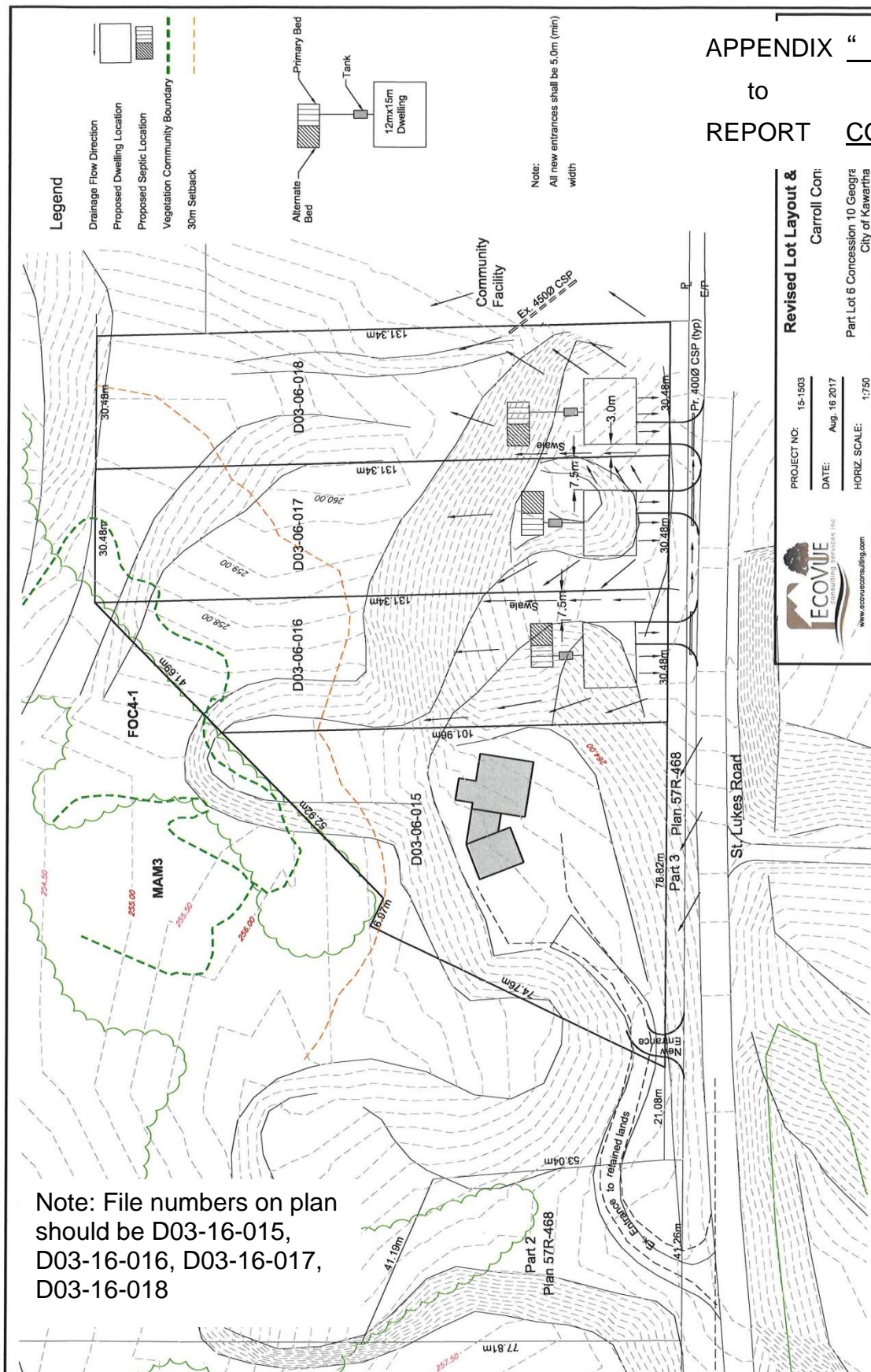
to

REPORT COA2019-015





APPENDIX “ D ”
to
REPORT COA2019-015



APPENDIX “ E ”
to
REPORT COA2019-015



Subject	Consents
From	Derryk Wolven
To	Susan Cully
Sent	Thursday, August 18, 2016 10:34 AM

APPENDIX “ F-1 ”
to
REPORT COA2019-015

Please be advised the building division has the following comments:

D03-16-014 No setback dimensions provided. Unable to assess potential spatial separation issues.
D03-16-015 No concerns
D03-16-016 No concerns
D03-16-017 No concerns
D03-16-018 No concerns
D03-16-020 No information provided with respect to the driveshed. Area of building face is key to review of spatial separation requirement. 6.1m would permit a building face area of 10m2 with no ratings applied to the wall exposing the proposed lot line.

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@city.kawarthalakes.on.ca

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Subject	RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road		
From	Anne Elmhirst	APPENDIX “	F-2 “
To	Janet Wong	to	
Sent	Friday, February 08, 2019 2:24 PM	REPORT	<u>COA2019-015</u>

Hello Janet,

Thank you for providing further information on the proposed consent applications on St. Luke's Road and the concerns for the water treatment devices as a result of the drinking water quality. Treatment devices attached to drinking water supplies often have backwash requirements to maintain the system. The backwashing practice can be detrimental to the sewage disposal system. As such, I would request an acknowledgement be provided in the consent agreements to identify that backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 1882
1-888-822-2225
Fax: 705-324-5514
website: www.city.kawarthalakes.on.ca

July 26, 2016

City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West,
Lindsay, ON
K9V 2Y6

Attention: Ms. Rea,

RE: Consent Application – Severance
305 St. Luke's Road,
Lot S ½ Lt 6, Conc. 10
Former Emily Township,
City Of Kawartha Lakes
File: D03-16-015-018
Owner: Bob Carroll

Our office has received and reviewed the above-mentioned applications to sever 1 residential lot with a dwelling, 3 vacant residential lots, and to retain a vacant parcel of land at the above-mentioned property.

The site was assessed to determine the suitability for the installation of new sewage disposal systems in relation to the severed and retained portions.

The vacant land consists of mostly sandy gravel material. However, there are some pockets in the low lying lands that contain silty sand and silt till materials with presence of water table. The location of proposed sewage systems at the time of development will determine whether the systems can be installed into the existing grade or require fill-based systems to compensate for high water table and impervious soils.

It has been determined that the severed properties identified as D03-16-0016, D03-16-017, and D03-16-018 are suitable for the installation of new Class 4 Sewage Disposal Systems to the minimum requirements of the Ontario Building Code.

The severed property identified as D03-16-015 has an existing dwelling serviced by an existing Class 4 Sewage System (File EM-7-00). The property boundaries have been designated to incorporate the existing sewage system.

The retained portion will accommodate a Class 4 Sewage Disposal System. However, it will be required to be maintained outside of the areas identified as Significant Woodland or Wetland.

Therefore, the Building Division – Sewage System Program has no objection to the proposed consent applications.

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 1882.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A Elmhirst'.

Anne Elmhirst, B.A. Sc., B.Sc.(H), C.P.H.I. (C)
Sewage System Coordinator
City of Kawartha Lakes



*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

MEMORANDUM

APPENDIX " F-3 "

to

REPORT COA2019-015


DATE: August 31, 2016
TO: **Committee of Adjustment**
FROM: Lisa Peimann, Executive, Community Services
RE: Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-16-014	771 Lilac Road, Ops
D03-16-015-D03-16-018	305 St. Luke's Road, Emily

Community Services has no concerns regarding these following applications:

D03-16-020-D03-16-021	18619 Simcoe Street & Vacant Land, Mariposa
-----------------------	---


Craig Shanks
Director of Community Services

Subject	RE: St. Lukes School - Downeyville - drainage
From	Roberta Perdue
To	Janet Wong; 'Kevin Hickey'
Cc	Christina Sisson; Richard Holy
Sent	Wednesday, January 09, 2019 7:58 AM

APPENDIX “ F-4 ”
to
REPORT COA2019-015

Good Morning,

Further to our discussions, Engineering confirms that an easement is required for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage, in favour of the City and the PVNCC District School Board, on the proposed new lot adjacent to the school property. The easement will be completed at the expense of the developer. The City can review and provide the clearance of a Condition of Consent on behalf of the City and the PVNCCDSB, or alternatively PVNCCDSB can also review and provide a clearance, if the Board requires/wants to review.

We recommend the following condition:

The Owner shall convey an easement over Lot # to be severed, to the City of Kawartha Lakes and Peterborough Victoria Northumberland and Clarington Catholic District School Board, for drainage, existing drainage structures, and operation & maintenance activities associated with the drainage.

Please let us know if you have any questions.

Thank you,

Roberta

Roberta Perdue, C.E.T.

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

12 Peel Street, Lindsay, ON K9V 5R8

Tel: 705-324-9411 ext. 1154 | Toll Free: 1-888-822-2225 | www.kawarthalakes.ca



Subject	FW: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road
From	Roberta Perdue
To	Janet Wong
Cc	Christina Sisson; Kirk Timms; Joseph Newbery
Sent	Wednesday, September 13, 2017 1:11 PM

Good Afternoon,

Engineering provides the following comments:

- Engineering recommends the applicant enter into a Consent Agreement with the City, to establish entrances and overall lot grading for the proposed lots. As part of the Consent Agreement, a detailed Overall Lot Grading Plan and Sediment and Erosion Control Plan must be prepared, to confirm conformity to the City's entrance policies and lot grading requirements.
- Engineering recommends an easement be formalized on the proposed severed parcel D03-06-018, to confirm the existing drainage from the adjacent school property and St. Luke's Road.

Subject	RE: Carroll Consent applications FW: Letter regarding nitrate concentrations	APPENDIX “ F-5 “
From	David Kerr	to REPORT <u>COA2019-015</u>
To	Janet Wong; Richard Holy	
Sent	Friday, November 16, 2018 2:09 PM	

Hi Janet-yes the nitrate levels are within an acceptable level. If one was to put a warning clause on the agreement it would be our recommendation to ensure that the water should be tested annually and treated for bacteria and pathogens if utilized for a drinking water supply.

Thanks Dave
David Kerr P. Geo.
Manager of Environmental Services,
Public works, City of Kawartha Lakes
dkerr@kawarthalakes.ca
705-324-9411 ext 1118
705-340-3448 cell

From: David Kerr
Sent: Friday, September 15, 2017 12:43 PM
To: Janet Wong
Subject: RE: Dave's comments on proposed severances on 305 St. Lukes Road, Downeyville

Hi Janet
I have reviewed the information you provided me and am confident that based on the information supplied in the Cambium report there is more than sufficient groundwater quantity to sustain the proposed lots without causing an issue with the neighboring supplies and any major impact to the aquifer. However I do have some concerns with the water quality of the groundwater supply and how it may be impacted after development. I do question whether or not the water quality will meet Ministry of the Environment and Climate Changes's Maximum Acceptable concentrations of 10 mg/l. for nitrates. This is a health standard as opposed to aesthetic standard. Based on one test in December of 2015 of the recently installed pumping well on site the nitrate level was 8.24 mg/l. This is close to the limit of 10 mg/l and it is possible at other times of the year the concentration actually exceeds 10 mg/l. To assess if this is the case it would be recommended that additional samples be undertaken for comparison purposes.

In addition I have a concern that the proposed wells are immediately downgradient of the school. Assuming that the school is on a septic system there may be even higher nitrates in the groundwater between the well PW101 and the school. This would mean that Lot D is in an even riskier location i.e. potential higher nitrate concentrations in the groundwater closer to the source which would potentially

be the school septic system. I am assuming that the school is on a septic system as opposed to holding tanks. This uncertainty needs to be better understood.

The other factor that does not appear to have been considered but may impact the water quality is that there has not been any nitrate loading studies undertaken to assess what the contribution of nitrates to the groundwater will be from the proposed development. This should be undertaken by a professional firm such as Cambium to evaluate if the proposed development will cause levels on site or offsite to exceed 10 mg/l.

Hope these comments are useful!

Dave

David Kerr P. Geo.

Manager of Environmental Services,
Public works, City of Kawartha Lakes

dkerr@kawarthalakes.ca

705-324-9411 ext 1118

705-340-3448 cell

APPENDIX “ F-6 “
to
REPORT COA2019-015

From: Katie Jane Harris [<mailto:kjharris@kawarthaconservation.com>]

Sent: Wednesday, August 30, 2017 3:16 PM

To: Janet Wong; Christina Sisson; Susanne Murchison

Cc: Derryk Wolven; Anne Elmhirst; Ron Warne

Subject: RE: Consents D03-16- 15, 16, 17, and 18: Carroll, Part Lot 6, Con. 10 geographic Twp Emily, 305 St. Lukes Road

Good Afternoon,

As per Ron Warne, Director Planning, Development & Engineering's email of June 27, 2017, "Kawartha Region Conservation Authority has no further comments or concerns related to the granting of provisional consent for the four applications".

I trust this is of assistance.

Best Regards,

Katie Jane

Katie Jane Harris B.E.S.

Resources Planner

KAWARTHA CONSERVATION

277 Kenrei Road

Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Subject	305 St Lukes Property EIS and Flood Study Review
From	<u>Angela Horner</u>
To	khurford@ecovueconsulting.com
Cc	rwarne@kawarthaconservation.com; Janet Wong
Sent	Thursday, November 24, 2016 1:10 PM
Attachments	<<Carroll-Trogenza_LD_FLOODPLAIN_PEER-REVIEW_20161117.pdf>>

Dear Ken:

Please find following KRCA comment on the EIS by Cambium Inc. (Aug 2015) regarding the proposed severance at 305 St. Luke's Street, Geographic Township of Emily, City of Kawartha Lakes.

Also please find attached Central Lake Ontario Conservation Authority's peer review of the C.C. Tatham and Associates Ltd. Floodplain Analysis (Sept 2015) for the same site.

EIS comments are:

Wetland

The wetland, of which part of is in the study area, is delineated only on the south side of the wetland that is in the study area. The wetland itself is approximately 9ha and so should be treated as a wetland greater than 2ha. The EIS appears to use the area of the wetland within the study area as wetland size, but it is the whole wetland that is used to calculate wetland area. Wetlands greater than 2 ha are treated as provincially significant with an adjacent area of 120m to consider, as per OMNR direction and KRCA policy. With this new perspective of wetland as significant, what is EIS recommended development setback?

Woodland

The moist woodland communities in the study area (CUW1-moist, FOC4-1) are adjacent to significant wetland (as above) and contiguous with woodland leading to significant woodland NW of the on-site communities. This adjacency effects evaluation of their significance level as per the Natural Heritage Reference Manual (NHRM). The mapping of the CKL OP significant woodland boundary northwest of the site ends with an administrative boundary (see straight lines) yet actual/ecological woodland continues south and west to the on-site woodland. This may have been overlooked or not considered in the EIS. Patches in forest cover of connecting area appear to be wetland similar in form to the patch classified in the EIS and likely connected to the adjacent wetland. Patches in forest cover are not large enough to be considered a break in the above mentioned woodland (as per NHRM).

Does EIS recognize the moist woodlands as significant woodlands abutting significant woodlands, and overlapping and abutting significant wetland contributing to the ecological benefit to these features (NHRM criteria and standards)? Or at a minimum a buffer to these features? Significant woodlands have adjacent area of 120m to consider. Does EIS recommend development buffers to these woodlands?

Lot lines

Consistent with the Provincial Policy Statement, KRCA policies do not support boundaries through significant natural heritage features and buffers of these features. As such, lot lines should be reconfigured to not bisect significant features and to keep buffers with features. Recommend reconfiguring lots to exclude wetland, woodland and associated buffers. If not feasible to keep buffers with feature, at a minimum lot lines should not bisect features. If EIS does not consider woodland significant, KRCA strongly recommends keeping woodlands as buffer to wetlands, and this reflected in lot lines.

Fish Habitat

Portions of the wetland that are contiguous with Emily Creek would be considered fish habitat, and so the limit of the 120m of adjacent lands may extend further into the site than the report indicates. *KRCA staff reviewing to advise on this. Comment to this available next week.*

Please feel free to call for any reason.

Best regards,

Angela

Angela Horner
Resources Planner
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

received
Feb 21/19

PETER L. ROACH
CATHOLIC
EDUCATION
CENTRE

APPENDIX " F-7 "

to

REPORT COA2019-015

February 21, 2019

Janet Wong, MCIP RPP

Planner II, Development Services – Planning Division

City of Kawartha Lakes

Subject: Consent Applications D03-16-018. Carroll 305 St. Luke Rd. Emily.

In regards to the above application, it is the Boards understanding that the drain pipe that exits west from the school property is a municipal drain pipe connected to catch basins along St. Luke Road. To the best of our knowledge, the school property does not access this drain pipe.

The School Board would like to ensure that drainage from this pipe is not impeded in any way as a result of severance and building on the lot in question. As such, the School Board requests as a condition of provisional consent that an easement be registered on the title in favour of the Board. The Board also understands that the cost of the easement will be at the expense of the developer.

To this end, the Board would like to have the opportunity to provide clearance of this condition.

Sincerely,

Kevin Hickey

Manager of Purchasing, Planning and Facilities Administration
PVNCCDSB
1355 Lansdowne Street West
Peterborough, ON. K9J 7M3
705-748-4861 x234
kevhickey@pvnccdsb.on.ca

8/31/16

I WOULD LIKE TO BE NOTIFIED OF
THE RECOMMENDATION AND/OR
DECISION OF THE CITY OF KAWARTHA
LAKES IN RESPECT OF THE PROPOSED
CONSENT RE: 305 ST. LUKES ROAD
PART LOT 6 CONC. 10.

D03-16-015 D03-16-016

D03-16-017 D03-16-018

PLEASE KEEP ME ADVISED AS I TRIED
TO SEVER A LOT (WITH HOUSE ON IT) FROM
MY FARM TO FULFILL A WILL AND WAS
FLATLY DENIED. WOULD BE VERY
INTERESTED IN HOW THEY ARE DOING
THESE SEVERANCES SO I CAN ALSO DO
IT.

PLC Lucas
937 Sturgeon Rd
Lindsay, Ontario

RECEIVED

SEP 01 2016

City of Kawartha Lakes
Development Services
Planning Division

326 St. Lukes Rd.

Aug. 21, 2016.

APPENDIX " G-2 "

to

REPORT COA2019-015

Mr. Mayor, Councilors, Radio & gentlemen.
My concerns lay with the following lots:
D03-16-016, D03-16-017, D03-16-018.

While I would certainly miss the wonderful view of the hills, trees and wildlife my greatest concern is the issue of ^{#1} safety.

My name is Jean Johnson and we have owned our property across the road from D03-16-018 for over 25 years.

What you may or may not know is that these properties are located on a hill.

I don't know how my own driveway was allowed because of the lack of visibility with vehicles coming over the hill - all look clear, you start your turn into or out of the driveway and to realize a vehicle has ^{not good} crested the hill and is bearing down on you - some will say what's the problem the road is posted with reduced speed limit signs and school zone signs but like everywhere else a sign is only effective if obeyed and there are always people out there that don't comply.

It may not ^{look} like much of a hill but come out park your vehicles and walk the hill in both directions, you will see exactly what I mean.

I feel that adding more driveways on both sides of the hill will be tempting fate... and setting a dangerous precedence.

Not something I would want to take responsibility for. Definitely not a safe location for ~~driveways~~ driveways.

X bjm.

Issue #2.

Now I am not sure whether they will have one well on each property or a main shared well but nevertheless what happens if they drill into the same water vein we use and it is not adequate and I end up with water problems for over 25 years we have had great water and lots of it, no problems. But who takes the responsibility if there is a problem - or am I left high and dry?

I would appreciate it if my concerns are addressed and I would like to be informed on the outcome of the proceedings.

Thank you.

Jean Johnson property owner
Kathy Johnson property owner

RECEIVED

AUG 22 2016

City of Kawartha Lakes
Development Services
Planning Division

Proposed Conditions – D03-16-015 – Lot 1

1. This approval applies to the transaction applied for June 2, 2016 for Lot 1 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 for a 0.47 ha. lot with an existing dwelling subject to such minor revisions as required to extend the 52.9 m. lot line to intersect directly with the 74.7 m lot line as illustrated on the Sketch for Severance.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-016 – Lot 2

1. This approval applies to the transaction applied for June 2, 2016 for Lot 2 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.35 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-017 – Lot 3

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
5. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 4;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,
 - iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;

- be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
6. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
 9. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed, for review and endorsement, and a copy of the subsequent registered reference plan of survey.
 10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00 (2019 rate). Payment shall be by certified cheque, money order, or from a lawyers trust account.
 11. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
 12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
 13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 14. The applicant shall pay all costs associated with the preparation and registration of the required documents.
 15. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Proposed Conditions – D03-16-018 – Lot 4

1. This approval applies to the transaction applied for June 2, 2016 for Lot 3 and revised as illustrated on consolidated Sketch for Severance dated August 16, 2017 to sever a 0.4 ha. (approximately) vacant lot.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be severed, such that the significant natural heritage features and buffer are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone”; and from “Agricultural (A1) Zone” to “Hamlet Residential-Exception * (HR-*) Zone” to not require a 15 setback from the EP Zone boundary nor yard requirement from the zone boundary; and, the By-law be in effect.
3. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Township of Emily Comprehensive Zoning By-law 1996-30 respecting the lot to be retained, such that the significant natural heritage features are rezoned from “Agricultural (A1) Zone” to “Environmental Protection (EP) Zone” and “Agricultural Exception * (A1-*) Zone” to recognize the reduced lot area; and, the By-law be in effect.
4. The owner shall convey a drainage easement, free and clear of encumbrances, along the east property line in favour of the City of Kawartha Lakes for the conveyance of surface water from the inlet to the outlet, be over the existing drainage structure(s), and provide sufficient space for operation and maintenance activities associated with the drainage flow path. The easement width will be determined through the drainage plan and will start from the intersection of the corrugated steel pipe with the property line and extend north to the rear property line.
5. A copy of the registered Transfer for the drainage easement be provided to the Secretary-Treasurer along with the deed for fulfillment of condition 4.
6. Submit to the Secretary-Treasurer written confirmation from the Development Engineering Division that a general lot grading and drainage plan and erosion and sediment control plan for each lot to be created has been submitted to and approved by the Development Engineering Division. Such plan shall include the individual lot layout, building envelope, sewage disposal system, drainage swales, entrances etc., demonstrating there is no negative impact from any of the individual lots.
7. The Owners enter into a Consent Agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to include:
 - a) all plans prepared under condition 6;
 - b) notifications to subsequent owners that:
 - i) Ontario Drinking Water Quality Standards for sodium, chloride, nitrate/nitrite, hardness are elevated or exceed and treatment systems for drinking water may be desirable. Annual testing of drinking water, especially if no treatment system is installed, is recommended to confirm Ontario Drinking Water Quality Standards are within acceptable limits;
 - ii) Drinking water be tested annually and treated, if required, for bacteria and pathogens; and,

- iii) Backwash water from a treatment device cannot be directed to the on-site sewage disposal system unless it has been specifically designed to accommodate such waste.

The agreement shall:

- be registered against the severed land and the owner's solicitor shall provide a written undertaking to the Secretary-Treasurer acknowledging that the agreement shall be registered once a Parcel Identification Number has been assigned by the Land Registry Office;
 - be binding on all subsequent owners of the land; and
 - include a provision that notification of the restrictions in the agreement must be included in all future offers to purchase and sale of the lot or the offer shall be considered as null and void.
8. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the lot to be severed, is possible.
 9. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
 10. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
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 15. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
 16. The applicant shall pay all costs associated with the preparation and registration of the required documents.

17. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.



Development Services – Planning Division
180 Kent St. West, 2nd Floor
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1367
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MEMORANDUM

TO: Committee of Adjustment

FROM: Quadri Adebayo, Planner II - Development Services – Planning Division

DATE: March 21, 2019

SUBJECT: Minor Variance Application File No. D20-2019-003
23 Westview Drive, Geographic Township of Emily

Betty Ann Oliver, applicant for the above-noted file requests relief from Section 3.1.2.2 and Section 12.2.1.3 e. of the Township of Emily Zoning By-law 1996-30, as amended, to reduce the minimum side yard setback from 1 metre to 0.6 metre and to reduce the minimum water setback from 30 metres to 28.3 metres in order to permit a hot tub room in its current location.

On February 21, 2019, Committee deferred the application till the subsequent meeting in March, in order to enable the application to be properly advertised with the inclusion of the water setback relief.

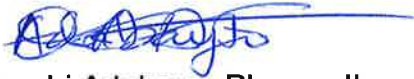
On March 4, 2019, planning staff discussed the comments received from the Sewage Systems Program with the Part 8 Sewage Systems Supervisor regarding the undetermined location of the existing sewage system and the clearance distance from the limits of the proposed hot tub room. In light of a possible deferral, planning staff have notified the owner about the matter, and suggested that the applicant contact the Sewage Systems Supervisor to arrange a site inspection during the warmer weather.

As well, comments received from the Building Division on March 7, 2019 required confirmation that the structure is actually 0.6 metre from the side lot line as proposed in order to determine whether the structure will be subject to further detail-rating requirement(s) under the Ontario Building Code.

In consideration of the above, staff respectfully recommends the following resolution:

THAT Minor Variance application D20-2019-003 be DEFERRED for a period of three (3) to four (4) months in order to provide the applicant enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately reviewed for supportability by staff.

Sincerely,



Quadri Adebayo, Planner II



AgencyComments_
Deferral Memo.pdf

cc: Betty Ann Oliver - Owner
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment
Chris Marshall, Director of Planning
Derryk Wolven – Plans Examiner, Building Division
Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division
Christina Sisson, Supervisor, Development Engineering

Erica Hallett

APPENDIX " A "
to

REPORT MEMO

FILE NO. D20-2019-003

From: Anne Elmhirst
Sent: Friday, February 08, 2019 1:18 PM
To: Erica Hallett
Subject: D20-2019-003 - 23 Westview

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erica,

RE: Minor Variance D20-2019-003
23 Westview Drive, Former Emily Township,
Conc. 8, Part Lot 17
Roll No. 165100100731300

I have received and reviewed the application for minor variance to request relief to permit the hot tub room in its current location.

A search of records was performed to locate documentation on the existing sewage system. A file was not located for the sewage system which indicates it was installed prior to 1974. Due to weather conditions the sewage system could not be properly located on the property.

As such, the Building Division – Sewage System Program would request a condition be applied to any approval for minor variance to allow for the determination of appropriate setback clearances to the existing sewage system.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



to

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, March 07, 2019 4:25 PM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT MEMO
FILE NO. D20-2019-003

Please be advised building division has the following comments:

D20-2019-010	No concerns
D20-2019-011	No concerns
D20-2019-007	No concerns
D20-2019-003	Built without permit. Provide confirmation of .6m setback.
D20-2019-012	No concerns
D20-2019-013	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca

