

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2019-04

Wednesday, April 10, 2019

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Tammy Smith

Jason Willock

Accessible formats and communication supports are available upon request.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	PLAN2019-020	3 - 12
	<p>Janet Wong, Planner II</p> <p>An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Lots 30, 31, and 32, Concession 1, geographic township of Eldon, identified as vacant land south side Rohallion Road - 676249 Ontario Ltd</p>	
3.2	PLAN2019-022	13 - 22
	<p>Sherry L. Rea, Development Planning Supervisor</p> <p>An application to amend the Township of Verulam Zoning By-law 6-87 on lands described as Part Lot 26, Concession 6, geographic township of Verulam, identified as 36 Walker's Road - McGale & Ashby</p>	
3.3	PLAN2019-023	23 - 33
	<p>Mark LaHay, Planner II</p> <p>An application to amend the Township of Emily Zoning By-law 1996-30 on lands described as Block C, Plan 466, geographic township of Emily, identified as 19 Cardinal Road - Dalrymple</p>	
4.	Business Arising from Public Meeting	
5.	Deputations	
6.	Correspondence	
7.	City of Kawartha Lakes Reports	
8.	Adjournment	

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-020

Date: April 10, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 1

Title: An application to amend the Township of Eldon Zoning By-law 94-14.

Description: To change the zone category on a portion of the property (0.8 ha.) from the Agricultural (A1) Zone to an Agricultural Exception - * (A1-*) Zone to permit the establishment of an explosive storage depot to serve the local aggregate industry on land described as Lots 30, 31, and 32, Concession 1, Township of Eldon, City of Kawartha Lakes, identified as vacant land south side Rohallion Road (676249 Ontario Ltd).

Author and Title: Janet Wong, Planner II

Recommendation:

That Report PLAN2019-020, respecting Lots 30, 31, and 32, Concession 1, Township of Eldon, and identified as vacant land south side of Rohallion Road, 676249 Ontario Ltd – Application D06-2019-004, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2019-004, be referred back to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a rezoning application to allow 0.8 ha. of the 201 ha. property to be used for an explosives storage depot to service a number of local quarries in the City of Kawartha Lakes as well as Township of Ramara. A blasting contractor (Maxam) will have a small mobile office trailer, magazine, and equipment storage units on site from which about 5 staff will operate with possible expansion to 10 staff. The trailer will be used for office work. Maxam will transport the required product to the quarries where the blasting will occur, with staff generally leaving the site in the morning and returning in the afternoon. The safe storage and transportation of explosives is federally regulated under the Explosives Act and Explosives Regulation, 2013. Licensing is issued by the Federal Ministry of Natural Resources (Natural Resources Canada). The Regulation identifies criteria for all aspects of explosives including storage, transport, and use. The Province also regulates the safe use of explosives through the Ministry of Labour Occupational Health and Safety Act.

Owner:	676249 Ontario Ltd (James Dick Construction Ltd)
Applicant:	Leigh Mugford, James Dick Construction Ltd.
Legal Description:	Lots 30, 31, and 32, Concession 1, geographic Township of Eldon
Official Plan:	Rural and Environmental Protection, City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone on Schedule 'A' of the Township of Eldon Zoning By-law No. 94-14
Lot Area:	201 ha. [496 ac. – Applicant]
Site Servicing:	No water and sewage disposal services currently exist
Existing Uses:	Vacant – cattle ranching
Adjacent Uses:	North: Rural and Quarry East: Rural largely vacant, one residence South: Rural vacant West: Rural vacant (Township of Ramara)

Rationale:

The property is currently being used for cattle ranching, as soil conditions are not suitable for crop production. Although mapping indicates the presence of natural heritage features, the applicant has indicated they inspected the property with the Kawartha Region Conservation Authority (KRCA) in 2018 and there is no wetland or watercourses in the vicinity of the proposed development. The southern side of the property is within a Source Water Protection area; however this does not extend to the location of the proposed facility.

The site for the proposed facility has been selected to comply with Explosives Regulation 2013 setback criteria from sensitive receptors including roads and

dwellings. The type of explosives to be stored is considered non-sensitive, which means the material will not detonate on its own.

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

1. Planning Justification Report prepared by Neal DeRuyter, MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC), dated August 2018. This document discusses the appropriateness of the application in the context of the Growth Plan for the Greater Golden Horseshoe (2017), Provincial Policy Statement (2014), applicable City of Kawartha Lakes Official Plan and Township of Eldon Zoning By-law 94-14.
2. Preliminary Concept Plan, MHBC, June 2018

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed zoning by-law amendment. In order to fully evaluate the appropriateness of this application, Staff is further reviewing applicable City policy objectives that are relevant to this application.

Provincial Policy Conformity

1. Growth Plan for the Greater Golden Horseshoe (2017):

This application must conform to the applicable policies of the Growth Plan (GP). Section 2.2.9 indicates development outside of settlement areas may be permitted:

1. the land use is not appropriate in settlement areas:
 - i) is compatible with the rural landscape and surrounding local land uses,
 - ii) will be sustained by rural service levels, and
 - iii) will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

There are seven licenced quarries within 5 km of the site. The proposed use will support the local quarry operations and is not a suitable use for settlement areas. Additional rural service requirements would not be anticipated. As only 0.8 ha of 201 ha will be used for the operation, the agricultural use would be able to coexist with the proposed use.

The property has been identified as being within the Provincial Natural Heritage System. As natural heritage features are more than 120 metres from the proposed development, no negative impact is anticipated from the proposed use.

The properties surrounding the subject lands are at least 80 ha. There is one residence about 1.6 km to the east for the proposed storage area on one property on the east side of Bolsover Road. There are licenced quarry properties on the north side of Rohallion Road. The proposed facility is a safe distance from the dwelling.

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

2. Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest. Healthy, integrated and viable rural areas should be supported through a number of approaches including promoting the diversification of the economic base and employment opportunities through services and the sustainable management of resources. Rural land uses are permitted on rural lands. Development that is compatible with the rural landscape, can be sustained by rural service levels, and supports a diversified rural economy by protecting agricultural and other resource-related uses should be promoted. Development and site alteration shall not be permitted in or adjacent to significant natural heritage features unless it has been demonstrated that there will be no negative impact on the features or functions. For the habitat of endangered and threatened species, development and site alteration can only occur in accordance with provincial and federal requirements under Species at Risk legislation. Development is to be directed away from areas of flood risk.

The aggregate industry is an important industry to the economy of the City, but can be a constraint to the surrounding use of land. The proposed facility is a land use that is compatible with and supports the local aggregate industry thereby efficiently using land and supporting the economy while co-existing with agricultural uses.

Neither significant natural heritage features nor species at risk habitat have been identified within or adjacent to the proposed facility and the explosive storage depot does not appear to be located within any flood plain.

Therefore, the application appears to be consistent with the PPS.

City of Kawartha Lakes Official Plan Conformity:

The property is mainly designated Rural with Environmental Protection, following watercourses based on Ontario Base Mapping, in the City of Kawartha Lakes Official Plan (CKLOP). The location of the proposed facility is designated Rural. The Official Plan provides strategic direction for development of the City. An economic goal is to promote the growth and enhance the industrial base of the City in an environmentally, social and economically responsible manner. The Rural designation goals are:

1. to promote the growth and development of the City's agricultural and natural resources through a sound economic, social, and environmental framework.
2. protect agricultural land that is primarily class 4-7 for agricultural production from fragmentation, development and land uses unrelated to agriculture.
3. preserve and promote the rural character of the City and the maintenance of the natural countryside.

Permitted uses identified in the Official Plan are intended to provide direction on the policy intent and not intended to represent a complete list of permitted uses. The Rural designation states that the primary use will be agriculture in the form of ranching and forestry. New uses that are compatible with and do not hinder the agricultural use will be permitted.

The proposed use will allow ranching on the property to continue. There will be low traffic flow to and from the property similar to a farm operation. Only employees would be accessing the property. The low intensity, small scale commercial-industrial business within a 200 ha area would not significantly alter the rural character of this part of the City, being largely appearing inactive for most of the day. The explosives storage depot would not adversely affect traffic movement and is a use appropriate to a low density rural location. The use of a mobile office trailer with minimal disturbance to the land also means the land could readily revert back to agricultural use if the site is no longer required to serve the aggregate businesses.

The application appears to be in keeping with the general policies of the City of Kawartha Lakes Official Plan

Zoning By-Law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14. The applicant has submitted a Zoning By-law amendment application for consideration. The application proposes to add a site-specific exception to the A1 Zone to permit, in addition to the permitted A1 Zone uses, an explosives storage depot on a portion of the property.

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

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the vibrant and growing economy goals as it adds business supporting and strengthening the local aggregate sector. The proposal aligns with the goal of a healthy environment through the reduction in greenhouse gas production generated from vehicle traffic by creating a centralized explosives depot.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is currently not serviced. Bottled water and a portable toilet facility will service the site.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

Public Comments:

Sandy and Simon Southwell expressed concerns with public notification and the project being the beginning for future aggregate extraction on the property. Public notification was carried out as required by the Planning Act and Council direction through posting of a sign on the property and mailing Notice of Public Meeting to land owners within 500 metres. The proposal is not the precursor to an aggregate operation. An aggregate proposal would require Official Plan and Zoning By-law amendments as well as approval under the Aggregate Resources Act that would entail a completely different set of considerations.

Agency Review Comments:

Building Division (March 13, 2019): advised that they have no concerns with the above noted application.

Building Division – Part 8 Sewage Systems (March 22, 2019): the site will not be serviced by a water supply (well or surface water) and the trailer will not be equipped with a bathroom or other fixtures for the office employees. A portable privy will be required to be provided on the site for sanitary requirements to service the mobile trailer office.

Community Services Department (March 19, 2019): advised that they have no concerns or comments with respect to the application.

Development Engineering Division (March 19, 2019): advised that they have no objection and no requirements to permit the establishment of an explosive storage facility.

Development Services – Planning Division Comments:

The appropriate documents in support of the application have been submitted and circulated to the appropriate agencies and City departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments or the public. Therefore, Staff recommends that the application be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from the public meeting, all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

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

Department Head E-Mail: cmarshall@kawarthalakes.ca

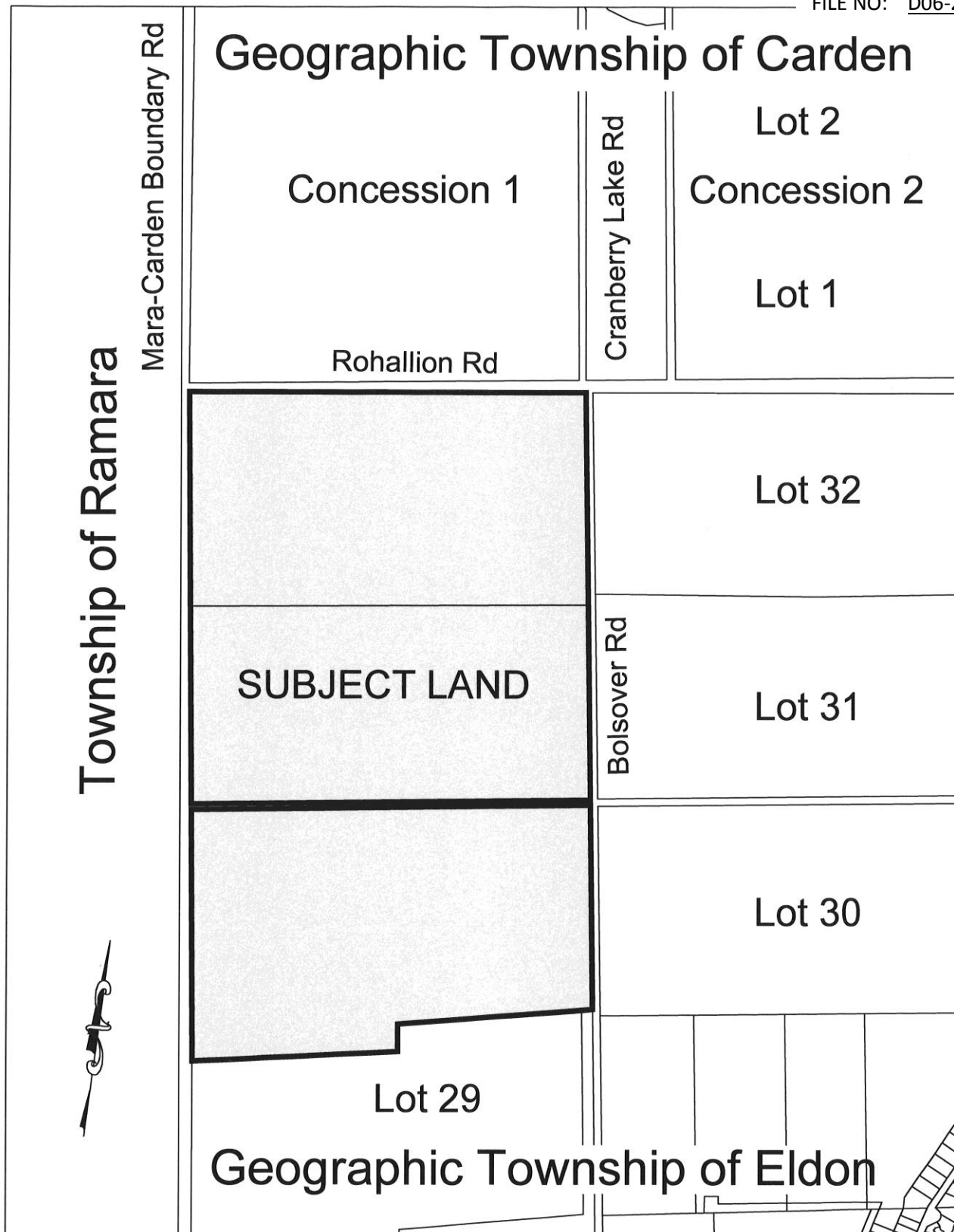
Department Head: Chris Marshall, Director of Development Services

Department File: D06-2019-004

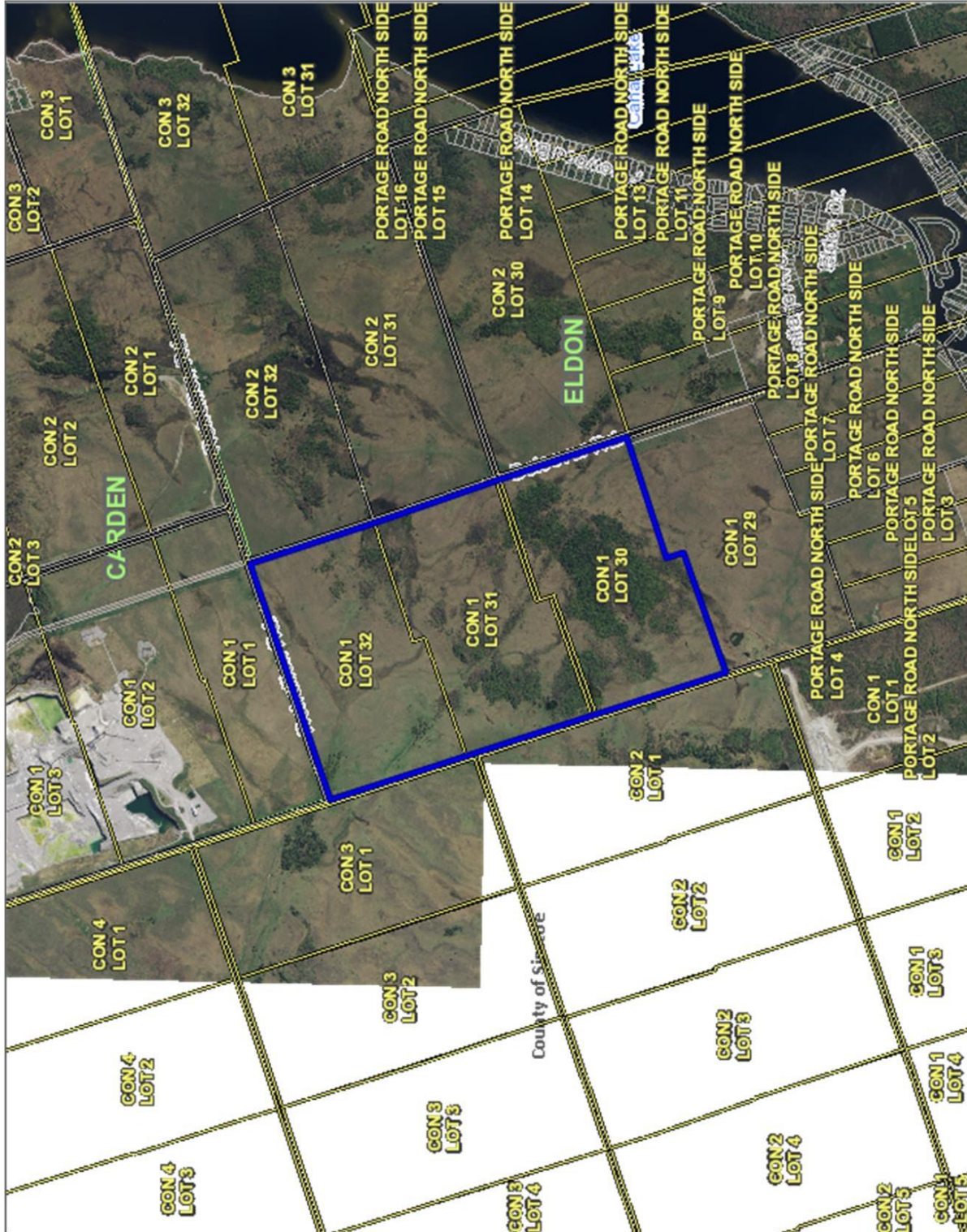
to

REPORT PLAN2019-020

FILE NO: D06-2019-004



Lots 30-32, Concession 1, Geographic Township of Eldon



1.83 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 PURPOSES

Legend

- Property ROLL#
- Lots and Concessions
- Road Centreline (2016 Needs)
- Geographic Townships
- Upper Municipalities
- Lower Tier Municipalities
- Populated Places
- Water Labels

APPENDIX " B "

to

REPORT PLAN2019-020

FILE NO: D06-2019-004

Notes

Notes

APPENDIX " C "

to
REPORT PLAN2019-020
FILE NO: D06-2019-004

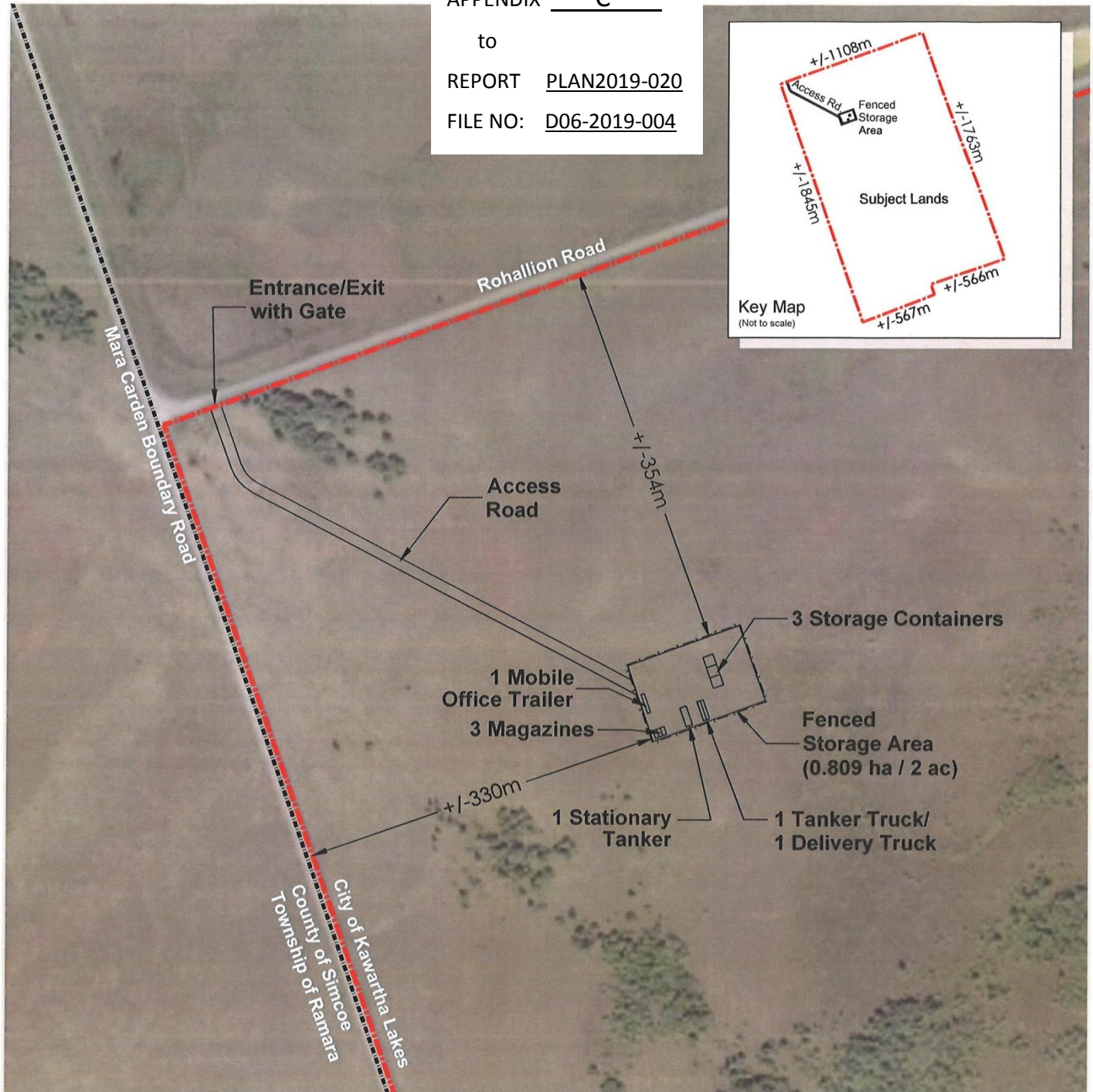
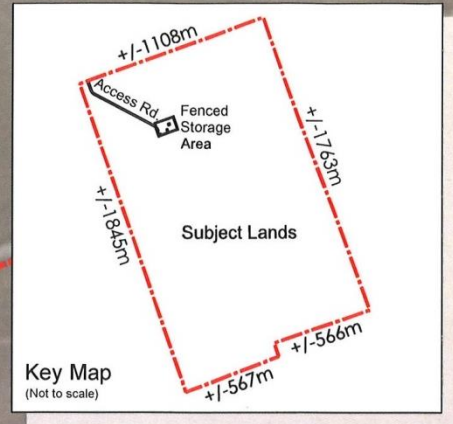


Figure 1:
**Preliminary
Concept Plan**
Proposed Explosives
Storage Depot

LEGEND



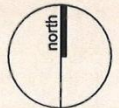
Subject Lands

DATE: June, 2018

FILE: 9633N

SCALE 1 : 5,000

DRAWN: GC



K:\9633N-JAMES DICK CONSTRUCTION\KAWARTHA LAKES-ROHALLION
ROAD\PTIC\CONCEPT PLAN.DWG

James Dick Construction Limited
Part of Lots 30, 31 and 32, Concession 1
(former Geographic Township of Eldon)
City of Kawartha Lakes

Base Map Sources:
Imagery - Google Earth (August 22, 2016)

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-022

Date: April 10, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 2

Subject: An application to amend the Township of Verulam Zoning By-law to extend the temporary use on the property for staging of outdoor role playing games including hosting of 'live action role planning (LARP) games for commercial uses on lands described as Part Lot 26, Concession 6, geographic Township of Verulam, now City of Kawartha Lakes, identified as 36 Walker's Road (McGale & Ashby)

Author and Title: Sherry L. Rea, Development Planner Supervisor

Recommendations:

That Report PLAN2019-022, respecting Part Lot 26, Concession 6, geographic Township of Verulam and identified as 36 Walker's Road; Application No. D06-2019-006, be received;

That a Zoning By-law Amendment respecting Application D06-2019-006 respecting Part Lot 26, Concession 6, geographic Township of Verulam, substantially in the form attached as Appendix "C" to Report PLAN2019-022, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The application proposes to amend the Township of Verulam Zoning By-law to extend the temporary use on a portion of the property for the staging of outdoor role playing games including the hosting of “live action role playing” (LARP) games for commercial purposes. No permanent buildings or structures are proposed; however, the use of a temporary parking lot with grass surface would also be extended. The applicant is requesting the temporary use be extended for a further period of 1 year with a text amendment to include activity occurring on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November. See Appendix "A" and "B" attached.

Owner/Applicant: William Ashby and Joseph McGale

Legal

Description: Part Lot 26, Concession 6, geographic Township of Verulam, now City of Kawartha Lakes.

Official Plan: Designated Rural and Environmental Protection on Schedule "A-5" and "Significant Woodlands" on Schedule "B-5" of the City of Kawartha Lakes Official Plan.

Zone: General Rural Special Eighteen (A1-18) and Open Space (OS) on Schedule "A" of the Township of Verulam Zoning By-law No. 6-87

Total Area: 40 ha.

Site Servicing: Portable toilets secured from a qualified firm and under maintenance contract.

Existing Use: Vacant land.

Adjacent Uses: North, South, East and West: Large rural lots including agricultural operations and rural residential uses.

Rationale:

The subject property is vacant land on the east side of Walker's Road, immediately north of Cedar Tree Road and is comprised of 40 ha. One of the owners, Mr. Ashby operates Underworld LARP, a company that organizes and administers live action role playing events around the world. LARP Events involve participants who pay a fee for entry, playing characters in a scripted role-playing event and immersing themselves in a fictional "universe" (i.e. medieval-style) that has been created and scripted by the game organizers. Players act according to the parameters that they have been given but have the freedom to make choices that contribute to the outcome of the game. Players dress in clothing and apparel that is in keeping with the description of their character, including armour and/or weapons that are safe for recreational use (soft - styrofoam or plastic). No permanent buildings or structures were proposed although temporary tents and huts form part of the activity.

On May 24, 2016, Council passed By-law 2016-114, being a Temporary Use By-law to permit the above noted LARP activity and applied development standards to be complied with during the temporary use of 3 years. The development standards included a temporary parking lot with grass surface, a 7.5 m. wide, two-lane entrance with temporary structures such as tents and huts not exceeding 10 sq.m. in size. The original request for a temporary use was to determine if the activity had commercial viability.

The owners have determined that the commercial activity is viable and retained Kevin Duguay, Community Planning and Consulting Inc. is to undertake the required background reports and submit application for the permanent LARP use on the property along with the construction of a mid-size building to enhance the gaming activity, provide limited overnight accommodation and shelter in inclement weather. Planning is in receipt of the application for rezoning from Mr. Duguay and the application will be processed under the timeframes of the Planning Act.

As the processing of the application will be beyond the timeframe set out in the Temporary Use By-law, the owner is requesting an extension for a period of 1 additional year. Staff supports the request.

Requirements for Temporary Use By-law:

Section 39 of the Planning Act permits Council, by a By-law passed under Section 34, of the Planning Act to authorize the temporary use of land, buildings or structures for any proposed use that is otherwise prohibited by the Zoning By-law. The Planning Act further states that the use may be authorized for a period of up to three (3) years. The applicant is requesting that Council amend the Temporary Use By-law for a period of 1 additional year.

Through the operation of the activity over the last 3 years, the owner has determined that the original Temporary Use By-law should have contemplated “long weekends” and as such is requesting a text amendment to accommodate a definition of weekend to include Friday to Monday, if included as part of a Statutory or Civic Holiday between May and November. The request until November may not be required as it is anticipated that the permanent use may be approved by Council late fall.

The planning rationale that was considered in 2016 remains unchanged with respect to applicable provincial policies, official plan conformity and zoning by-law compliance. Under the processing of the permanent rezoning, staff will seek site plan approval which will address details of development for the permanent use. Council’s consideration of the extension of the Temporary Use By-law will permit the activity to occur one additional season and allow for the processing of the permanent zoning by-law amendment.

Development Services – Planning Division Comments:

Planning is in receipt of the application for rezoning to permit the permanent LARP activity on the site. The appropriate background reports for the permanent use have been submitted to support the permanent use. Council's consideration of the extension of the Temporary Use By-law will result in the owners not losing the 2019 gaming season. Staff is not in receipt of any comments from applicable review Agencies and City Departments that do not support the extension. Staff respectfully recommends that the application be APPROVED.

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial Considerations:

There are no financial considerations unless Council's decision to adopt, or its refusal to adopt the requested amendment, is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To Strategic Priorities:

The City's Strategy Plan Framework outlines Council's Vision of a Community that is naturally beautiful and offering an exceptional lifestyle by pursuing Strategic Goals including a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment. This application aligns with the Vibrant and Growing Economy in that residents and visitors to the City will have the opportunity to continue to experience a new tourism event. In addition, new events provide opportunity to develop business partnerships with local area hotels and restaurants. Finally, Council's consideration of the extension to the Temporary Use By-law allows the business owners to continue to grow and develop the business venture while processing the request for a permanent use.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established by the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

There are no servicing requirements other than portable toilets which will be secured from a responsible firm and under maintenance contract.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. As of the writing of this report, the following comments have been received:

March 13, 2019 – Building Division; no concerns.

March 19, 2019 – Community Services; no concerns or comments with respect to the application.

March 19, 2019 – Engineering & Corporate Assets, no objection to the proposed zoning by-law amendment.

March 20, 2019 – Economic Development, Agricultural Development Officer Division; no concerns with the extension of the temporary use for LARP games.

March 26, 2019 – Building Division, Part 8 Sewage Systems; no concerns.

Attachments:

Appendix “A” – Location Map



Appendix 'A' -
Location Map.pdf

Appendix “B” – Concept Plan



Appendix 'B' -
Concept Plan.pdf

Appendix "C" - Draft Zoning By-law



Appendix 'C' - Draft
Zoning By-law.pdf

E-Mail: cmarshall@kawarthalakes.ca

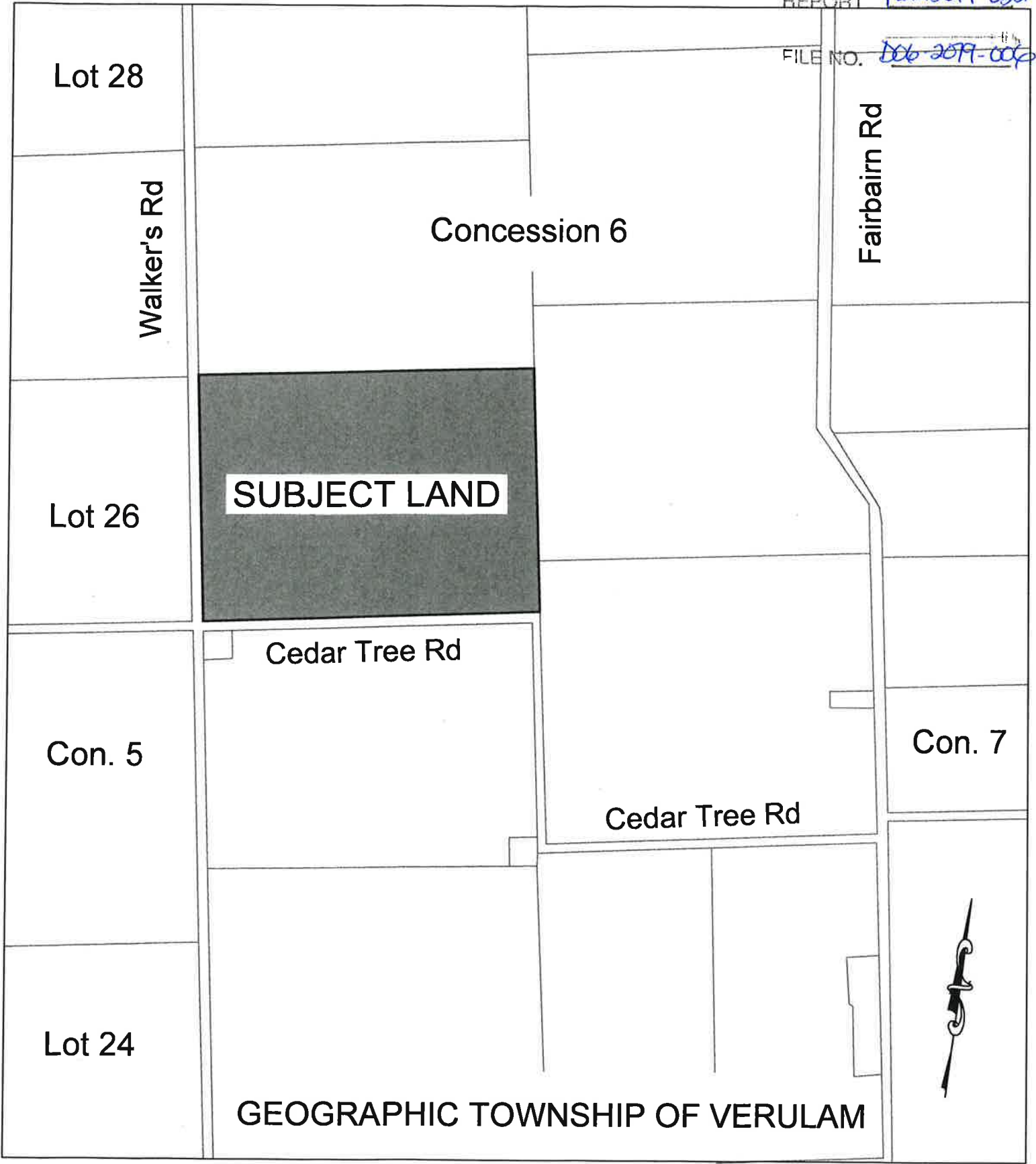
Department Head: Chris Marshall

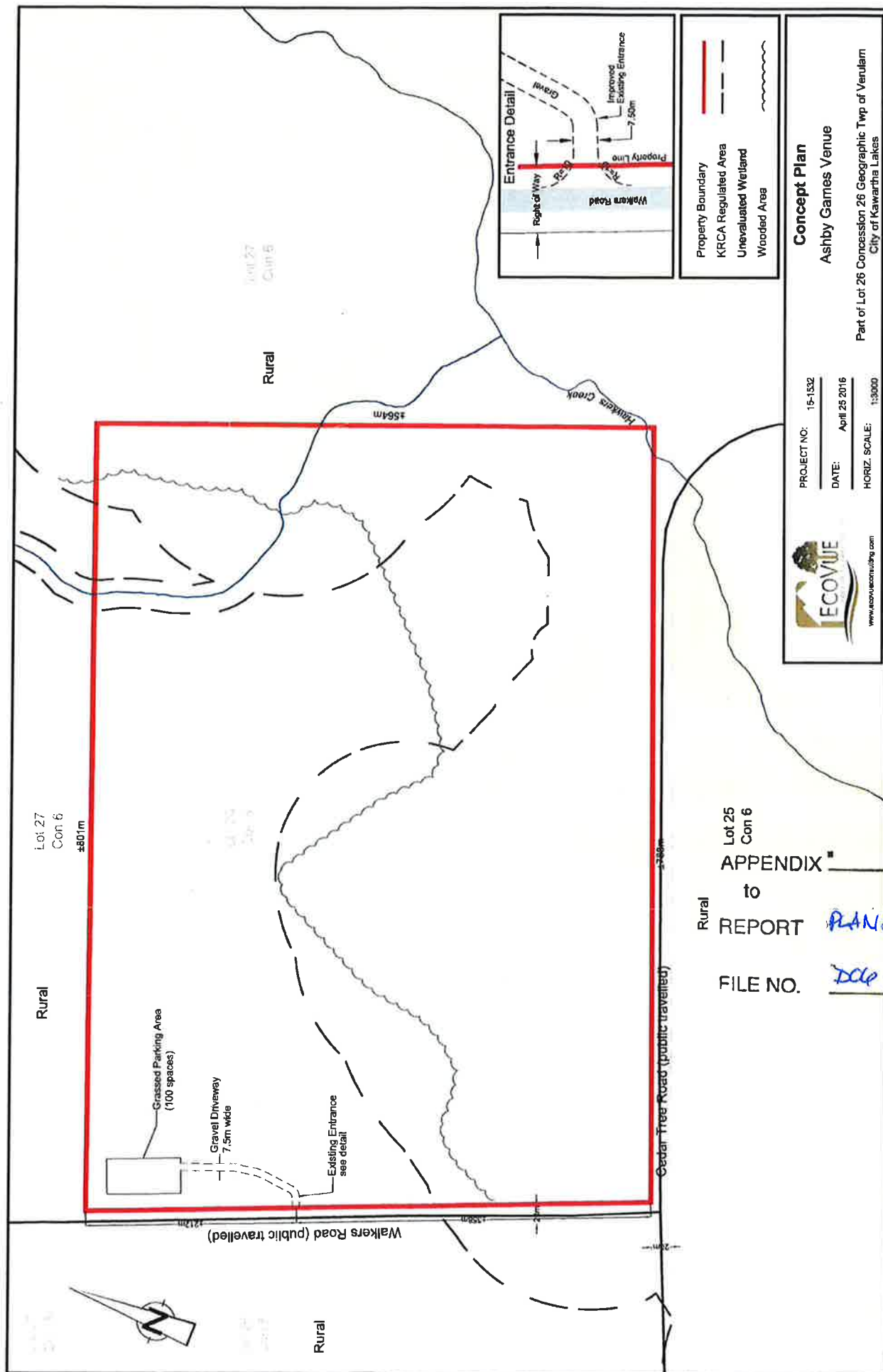
Department File: D06-2019-006

to

REPORT PLAN 2019-032

FILE NO. DOB 2019-006





Rural
 Lot 25
 Con 6
 APPENDIX B
 to
 REPORT PLAN 2019-022
 FILE NO. DGP-2019-006

APPENDIX " C "
to
REPORT PLAN2019-022
FILE NO. D06-2019-006

**The Corporation of the City of Kawartha Lakes
By-Law 2019-**

A By-law to Amend the Township Of Verulam Zoning By-law No. 6-87 to Permit a Temporary Use Within the City Of Kawartha Lakes.

File D06-2019-006, Report Plan2019-022, respecting Part Lot 26, Concession 26, geographic Township of Verulam and identified as 36 Walker's Road – Ashby & McGale.

Recitals:

1. Section 34 of the Planning Act authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Section 39 of the Planning Act authorizes Council to permit temporary uses on lands in a By-law that is passed under Section 34.
3. Council has received an application to permit a temporary use relating to a specific parcel of land to permit the staging of live outdoor role playing (LARP) games for commercial purposes.
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to permit the temporary use on the land for a period of one year.

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

Section 1.00: Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as the Part of Lot 26, Concession 6, geographic Township of Verulam, City of Kawartha Lakes, identified as 36 Walker's Road.
- 1.02 **Textual Amendment:** By-law No. 6-87 for the Township of Verulam is further amended to remove Section 19.3.18 and replace with the following section:

19.3.18 Notwithstanding the zone requirements for the A1 Zone, on land zoned A1-18 the following is permitted through a Temporary Use By-law under Section 39 of the *Planning Act, R.S.O., 1990, c.P 13*, as amended:

a) The staging of outdoor role playing games including the hosting of live action role playing (LARP) games for commercial purposes on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November, together with a temporary parking lot with grass surface and a 7.5 m. wide, two-lane entrance with gravel surface. The use of temporary structures such as tents, and huts not exceeding 10 sq.m. in size is also permitted provided they are ancillary to the commercial role playing game venue, and are erected on the property in accordance with all other applicable laws. The use of trailers is also permitted but only during gaming events and within the timeframe identified above. No other site alterations related to the temporary use are permitted on the property.

This By-law is passed in accordance with Section 39(2) of the *Planning Act, R.S.O., 1990, c.P.13* and shall be in effect for a temporary period of time until May 24, 2020.

Section 2.00: Effective Date

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

By-law read a first, second and third time, and finally passed, this ____ day of ____, 201__.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-023

Date: April 10, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 8 - Emily

Title: An application to amend the Township of Emily Zoning By-law 1996-30.

Description: To change the Community Facility Exception One (CF-1) Zone to an appropriate Rural Residential Type Three (RR3) Zone to permit a residential use on a portion of the subject land and to rezone the balance of the subject land to an appropriate Environmental Protection (EP) Zone on the subject property identified as 19 Cardinal Road (Dalrymple).

Author and Title: Mark LaHay, Planner II

Recommendation(s):

That Report PLAN2019-023, respecting Block C, Plan 466, geographic Township of Emily, City of Kawartha Lakes, Application No. D06-2019-005, be received; and

THAT Zoning By-law Amendment Application D06-2019-005, Block C, Plan 466 geographic Township of Emily, City of Kawartha Lakes, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and any other concerns or issues have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owners:	David Robert Dalrymple
Applicant:	Dan Stone, Thorstone Consulting Services Inc.
Legal Description:	Block C, Plan 466, geographic Township of Emily
Official Plan:	Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan with Provincially Significant Wetlands (PSW) Natural Heritage Feature in the City of Kawartha Lakes Official Plan
Zone:	Community Facility Exception One (CF-1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	1.30 ha. (3.220 acres - MPAC)
Site Servicing:	Municipal Water and Private Septic System proposed
Existing Uses:	Vacant land with in-ground swimming pool to be demolished
Adjacent Uses:	North: Cardinal Road/ Agricultural and Rural Residential South: Environmental Protection/Wetland(PSW)/Pigeon Lake East: Boundary Road/Rural/Aggregate Pit West: Rural Residential/Marilyn Crescent

Rationale:

The subject property is located within an existing rural residential subdivision within a Waterfront designated community, which is situated adjacent to Pigeon Lake. The subject land contains an abandoned outdoor in-ground swimming pool near the westerly lot line, which is proposed to be decommissioned and filled in with the balance of the subject property being vacant. The current owner who purchased the property in 2016 proposes to rezone the northwestern portion of the property to change the previous community facility use to permit a single detached dwelling along with permitted residential accessory uses and rezone the balance of the property to not permit development within the environmentally protected area, which is composed of wetland and woodland.

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

1. Zoning By-law Amendment Application received January 7, 2019.
2. Planning Letter Brief prepared by Thorstone Consulting Services, dated October 26, 2018.
3. Supplementary Letter prepared by Thorstone Consulting Services, dated January 7, 2019 with additional information with respect to proposed sewage system design, MDS calculations, revised

development plan concept and Archeological Assessment work to be completed.

4. Revised Conceptual Development Plan and Proposed Zoning prepared by Thorstone Consulting Services, revised December 12, 2018.
5. Letter of Opinion/Report prepared by Terrastory Environmental Consulting Inc., dated October 15, 2018 in relation to potential natural heritage impacts associated with the proposed development.
6. Site Plan Sewage System Concept Plan prepared by D.N.J. Designs received January 7, 2019.

In order to fully evaluate this application, Staff is further reviewing the applicable policy objectives that are relevant to this application. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City Departments and commenting agencies have not been received.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan provides policies for managing growth and development while supporting economic prosperity, protecting the environment and helping communities achieve a high quality of life. Section 2.2.1 d) directs development to settlement areas except where policies permit otherwise, and Section 2.2.1 e) generally direct development away from hazardous lands. Within rural areas, subject to the policies of Section 4, Section 2.2.9.3 permits development outside of settlement areas on rural lands provided the uses are compatible with the rural landscape and surrounding local land uses; will be sustained by rural service levels; and, will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.

The subject land is within the Natural Heritage System according to Provincial mapping, which illustrates the property is traversed by provincially significant wetland, significant woodland and fish habitat. Relevant 2017 Growth Plan policies from Sections 4.2.2, 4.2.3 and 4.2.4 apply, which include provisions to protect key natural heritage and hydrologic features, maintain connectivity between such features, limit the amount of total developable area disturbance and identify a vegetation protection zone surrounding these features. The Environmental Letter of Opinion submitted with the application outlines a number of recommended mitigation measures to protect the natural features and address the natural heritage provisions of the Growth Plan and other policy documents. These include: excluding development activities within the 30 m. vegetation protection zone to protect the Provincially Significant Wetland (PSW); limiting the total area of disturbance and impervious surfaces within the development area; ensuring that all necessary vegetation removal is completed outside primary bird

nesting periods; ensuring the pool is filled outside of the primary turtle activity season; utilizing low impact development (LID) design elements to minimize changes to post development water balance of the site and adjacent PSW; erosion and sediment and spills control; provision for native plantings, etc. Staff has not yet received comments from the Otonabee Region Conservation Authority which will assist to confirm this application demonstrates conformity with the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

Section 1.1.4, Rural Areas in Municipalities, recognizes the importance of rural lands, natural heritage features and areas and other resource areas and building upon rural character and leveraging rural amenities and assets.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings) and limited residential development which is compatible with the rural landscape and can be sustained by rural service levels.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in significant natural heritage features nor within the habitat of endangered species and threatened species. The Otonabee Region Conservation Authority (ORCA) created a Terms of Reference for an Environmental Study which is required to demonstrate that the proposed application would not result in negative impacts to the natural environment. Based on this, the submitted Environmental Letter of Opinion was circulated to ORCA; however, at this time Staff has not received review comments on the circulation of the application.

Section 2.6 pertaining to cultural heritage and archaeology does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved. Although the retained Archaeological Consultant has stated there are no registered archaeological sites in the database within 2 km of the site, further field work is required to complete a Stage 2 Archaeological Assessment.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. Almost the entire property is within the regulated area of ORCA. The Conservation Authority permitting policies direct development outside of flood hazards.

The submitted Environmental Letter of Opinion outlines a number of recommended mitigation measures to address the natural heritage provisions of the PPS; however, Staff has not yet received comments from the Otonabee

Region Conservation Authority which will assist to confirm this application demonstrates consistency with the PPS.

Official Plan Conformity:

The property is designated “Waterfront” with the exception of the southeast side of the property, which is designated “Environmental Protection” in the City of Kawartha Lakes Official Plan (CLKOP). A Provincially Significant Wetland (Ennismore No. 9) Natural Heritage Feature is mapped on the Environmental Protection designated portion and on adjacent lands to the south of the subject property. The Waterfront land use designation provides for low density seasonal and permanent residential uses and accessory uses adjacent to lakes.

The natural heritage policies of the CLKOP in Section 3.5 apply. This includes prohibiting development and site alteration within a Provincially Significant Wetland (PSW), the preparation of an Environmental Impact Study (EIS) for development and site alteration within 120 m. of a wetland and fish habitat, that applications for development and/or site alteration within significant habitat of Threatened and Endangered species will be subject to the discretion of the Ministry of Natural Resources and Forestry, and development and/or site alteration within or adjacent to significant wildlife habitat may only be permitted subject to an EIS demonstrating no negative impacts to the natural features or their ecological functions.

The submitted Environmental Letter of Opinion outlines a number of recommended mitigation measures to address the natural heritage policies within the CLKOP; however, Staff has not yet received comments from the Otonabee Region Conservation Authority which will assist to confirm this application demonstrates conformity with the CLKOP.

Zoning By-law Compliance:

The property is zoned “Community Facility Exception One (CF-1) Zone” in the Township of Emily Zoning By-law 1996-30, as amended. The CF-1 Zone only permits a public or private park with no buildings or structures other than picnic shelters, gazebos and docks, which are not fully enclosed, playground equipment, a storage shed with a maximum floor area of 10 square metres and two change rooms, with no plumbing or washroom facilities, having a maximum total floor area of 25 square metres. As residential uses are not permitted, a rezoning is required. The effect of the zoning amendment is to permit a portion of the land to be used for a single residential dwelling and associated accessory uses with appropriate development standards and to rezone the balance of the subject land to an appropriate Environmental Protection (EP) Zone to not permit development on the wetland area. As the Archaeological Assessment has not been completed and filed with the Ministry of Tourism, Culture and Sport, any rezoning of the property should incorporate a Holding (H) symbol to require a

Stage 2 Archeological Assessment. At this time, the necessary field work for this assessment has not yet been completed.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

Servicing Comments:

The lot is proposed to be serviced by a municipal water supply and a private septic system. Additional information is required by the Building Division, Part 8 Sewage System Program to properly evaluate the proposed septic system design.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. As of January 25, 2019, we have received the following comments:

Public Comments:

No comments were received.

Agency Comments:

On March 19, 2019, the Community Services Department advised that they have no concerns with the application.

On March 19, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application; however, they require further documentation as discussed at the April 26th, 2018 Pre-Consultation Meeting to help facilitate the zoning by-law amendment. In this regard, Engineering requires a Municipal Service Connection Application and a Legal and Topographic Survey confirming the proposed location of the driveway and the existing and proposed location(s) of the municipal water service.

On March 20, 2019, the Building Division advised that they require a demolition permit for the in-ground pool.

On March 21, 2019, the Agriculture Development Officer advised that a partial Minimum Distance Separation (MSD II) report was completed with the submission indicating distances to two nearby barns but not a MDS I calculation. Planning Staff note that the Township of Emily Zoning By-law has a provision that exempts existing lots which are less than 4 ha. in area from the technical provisions of MDS I.

On March 27, 2019, Enbridge Gas advised they have no objection to the proposed application.

On March 29, 2019, the Economic Development Division advised they have no comments.

On March 29, 2019, the Part 8 Sewage Systems Supervisor advised that in order to complete the review of the proposed zoning by-law amendment, a lot survey will need to be completed that indicates the location of the sewage system within the allowable boundaries of the RR3 zoning. A Hydrogeological Brief will be required to discuss the impact of the construction of a sewage system to service this property as it relates to nitrate attenuation for the development and the existing subdivision.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment is subject to further confirmation from relevant commenting Agencies to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and CKLOP. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2019-023.pdf



Appendix 'B'
PLAN2019-023.pdf



Appendix 'C'
PLAN2019-023.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C' – Zoning By-law Amendment Sketch

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-005

Geographic Township of Emily

APPENDIX " A "
to
REPORT PLAN2019-023
FILE NO. 006-2019-005

Concession 11
Lot 23

Cardinal Rd

Ella Pl

Marilyn Cres

Pigeon
Lake

Concession 10

Birch Point Dr

SUBJECT
LAND

Boundary Rd

Township of Selwyn

19 Cardinal Road, geographic Township of Emily

Legend

- PSW_Wetlands_LIO_AgSysG
- Property ROLL#
- Lots and Concessions
- Road Centreline
- Upper Municipalities
- Lower Tier Municipalities
- ORCA Regulated Areas

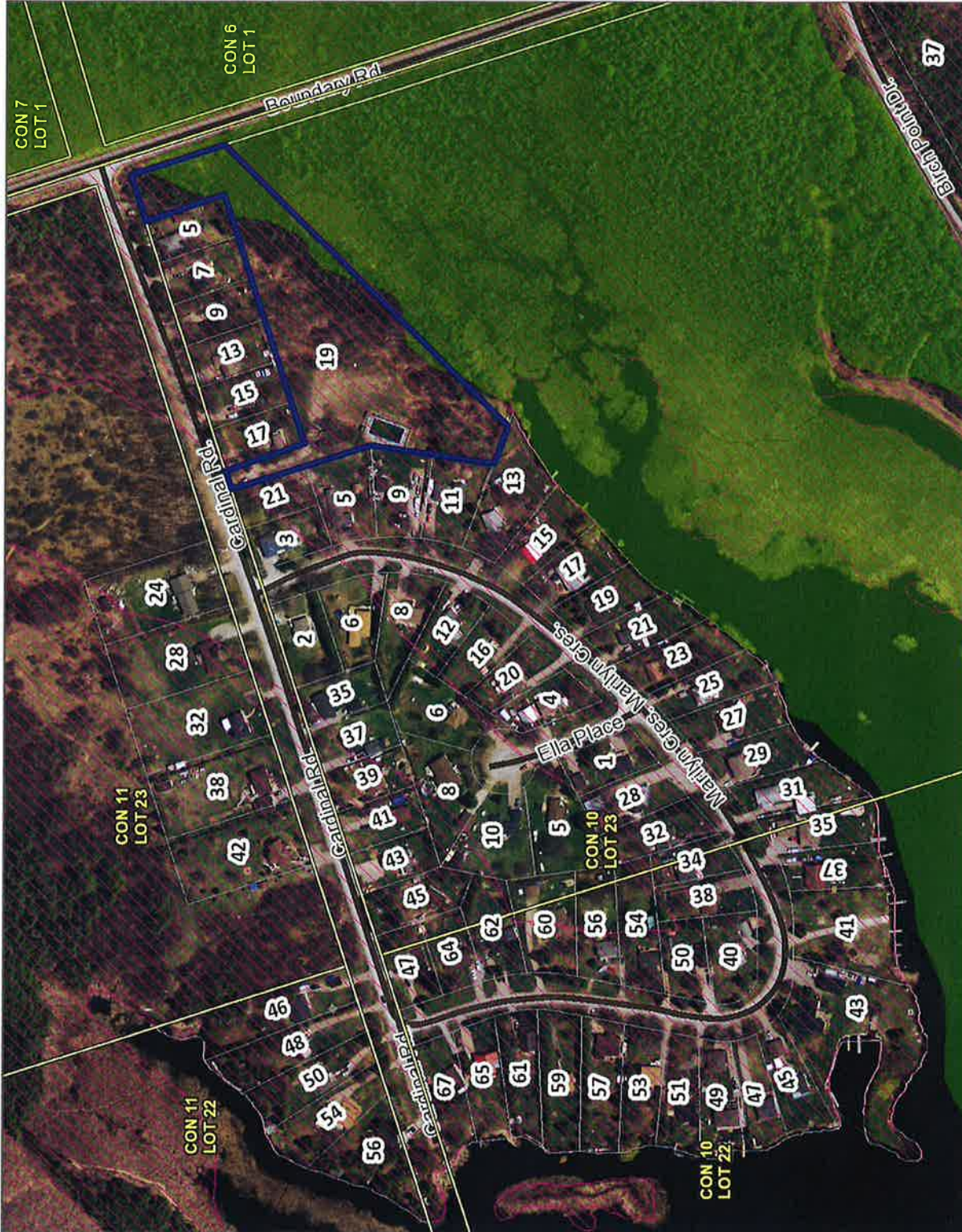
APPENDIX " B "

to

REPORT PLAN2019-023

FILE NO. 006-2019-005

Notes



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.23 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

© City Of Kawantha Lakes

FIGURE 6

CONCEPTUAL DEVELOPMENT PLAN
AND PROPOSED ZONING

19 CARDINAL ROAD

CITY OF KAWARTHA LAKES

Subject Lands - 1.26 ha



From "CF-1" to "EP"



From "CF-1" to "RR3"

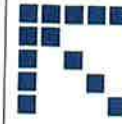


Development Envelope
(2000m2)

RECEIVED

JAN 07 2019

City of Kawartha Lakes
Development Services
Planning Division

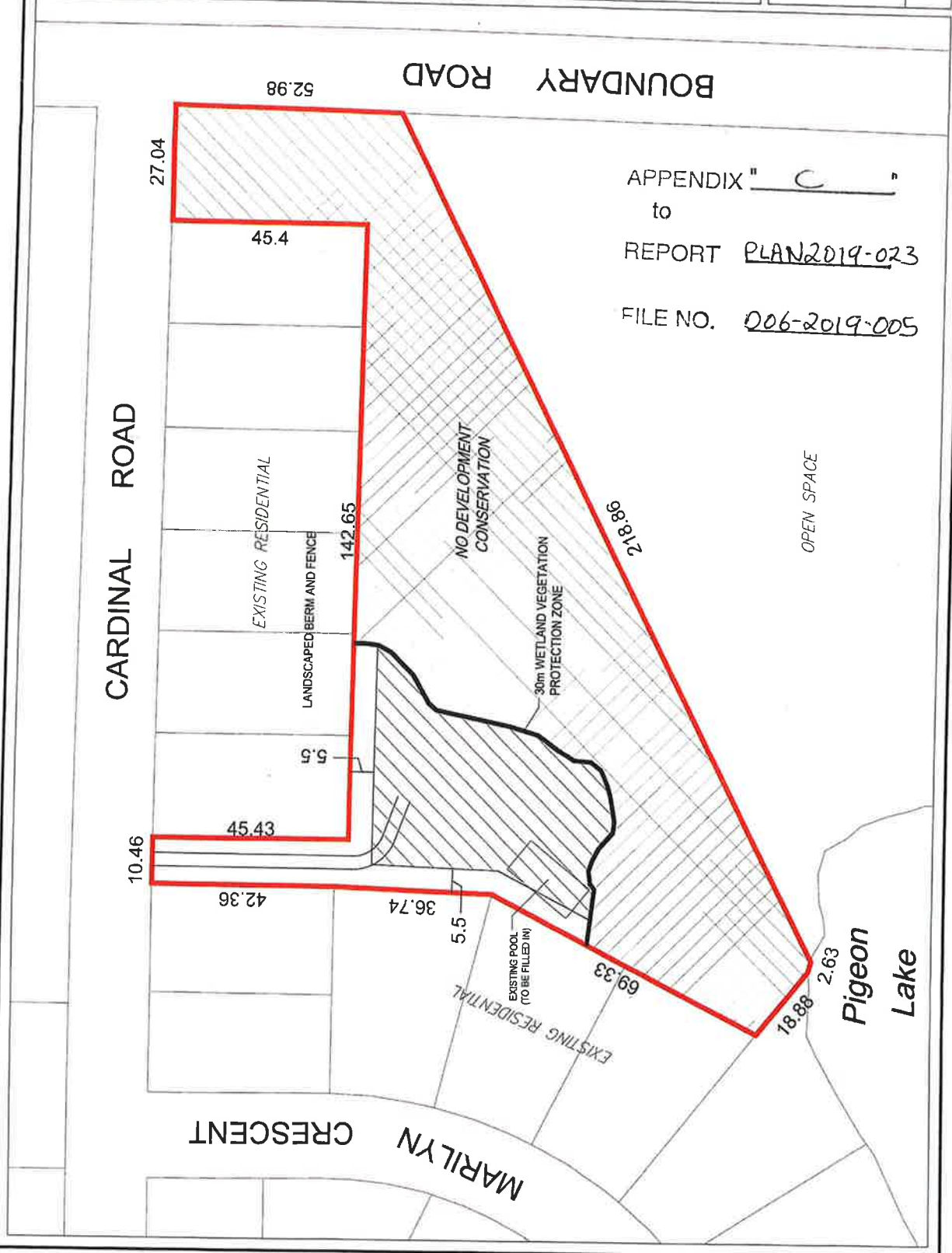


Thorstone Consulting Services
Land Use Planning and Development
P.O. Box 116, Station Ontario

SCALE



PREPARED FOR:	DUNHAM
DATE:	FEBRUARY 14, 2018
REVISION:	REVISION 01
REVISION:	REVISION 02
REVISION:	REVISION 03
REVISION:	REVISION 04
REVISION:	REVISION 05
REVISION:	REVISION 06
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APPENDIX " C " to
REPORT PLAN2019-023
FILE NO. 006-2019-005