

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

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2019-09**

**Wednesday, September 11, 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**

**1. Call to Order and Adoption of Agenda**

**2. Declarations of Pecuniary Interest**

**3. Public Meeting**

**3.1 PLAN2019-047**

**4 - 17**

**Quadri Adebayo, Planner II**

**An application to amend the Township of Manvers Zoning By-law 87-06 on lands described as Part Lot 18, Concession 12, Geographic Township of Manvers, identified as 1067 Fleetwood Road - Trevor and Lorraine Nesbitt**

3.2	PLAN2019-048	19 - 32
	<p>Quadri Adebayo, Planner II</p> <p>An application to amend the Township of Verulam Zoning By-law 6-87 on lands described as Part of Lot 26, Concession 6, Geographic Township of Verulam, identified as 36 Walker's Road - William Ashby and Joseph McGale</p>	
3.3	PLAN2019-049	34 - 50
	<p>Mark LaHay, Planner II</p> <p>A revised application to amend the Township of Fenelon Zoning By-law 12-95 on lands described as Part Lot 12, Concession 7, Geographic Township of Fenelon, identified as 356 Country Lane - Moore</p>	
3.4	PLAN2019-050	52 - 62
	<p>David Harding, Planner II</p> <p>An application to amend the Town of Lindsay Zoning By-law 2000-75 on lands described as Lots 8-23, 57M-802, former Town of Lindsay, identified as 97-129 Springdale Drive - Squires Built Homes Inc.</p>	
3.5	PLAN2019-051	64 - 78
	<p>Mark LaHay, Planner II</p> <p>Applications for Official Plan and Zoning By-law Amendments on lands described as Part Lot 21, Concession 13, Geographic Township of Manvers, identified as 344 Old Mill Road - Riwoche Society</p>	
4.	<b>Business Arising from Public Meeting</b>	
5.	<b>Deputations</b>	
6.	<b>Correspondence</b>	
7.	<b>City of Kawartha Lakes Reports</b>	
8.	<b>Adjournment</b>	

Meeting No. PC2019-09
Date 9/11/2019
Item No. 3.1

**Planning Advisory Committee  
Public Meeting**

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1. Subject:

**PLAN2019-047**

2. Initiated By:

3. Referred By:

4. Decision Required:

Quadri Adebayo, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 on lands described as Part Lot 18, Concession 12, Geographic Township of Manvers, identified as 1067 Fleetwood Road - Trevor and Lorraine Nesbitt

5. Documents attached:

- PLAN2019-047.docx
- PLAN2019-047 Appendices A-C.pdf
- PLAN2019-047 Appendix D.pdf

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-047**

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**Date:** September 11, 2019

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 8 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on sections of the retained agricultural area of the property from a Rural General (A1) Zone to Open Space (O1), and the balance of the retained agricultural area from Rural General (A1) Zone to Rural General Exception (A1-\*\*) Zone; as well as to rezone the residential portion to be severed from Rural General (A1) Zone to Rural Residential Type One (RR1) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 18, Concession 12, geographic Township of Manvers, now City of Kawartha Lakes, identified as 1067 Fleetwood Road (Trevor and Lorraine Nesbitt) – Planning File D06-2019-020)

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

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### **Recommendations:**

**That** Report PLAN2019-047, respecting Part of Lot 18, Concession 12, geographic Township of Manvers, and identified as 1067 Fleetwood Road; Application No. D06-2019-020, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-020, substantially in the form attached as Appendix D to Report PLAN2019-047, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On May 7, 2019, a Notice of Provisional Consent was granted by the Director of Development Services, as delegated by Council, for application D03-2018-022 to sever an approximately 0.42 hectare (1.05 acre) of rural residential lot containing a dwelling, metal shed and grain bin, and retain approximately 59.88 hectares (149.70 acres) of agricultural lands containing a metal shed and grain bin. The retained land is to be consolidated with a non-abutting agricultural land. The dwelling on the land to be severed is considered surplus to the farming operation as a result of a farm consolidation.

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

1. prohibit residential use on the agricultural lands;
2. protect areas on the land containing natural heritage features by prohibiting development, buildings or structures;
3. to have the retained lands be considered one lot for lot area requirements where there are two zones; and
4. the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law.

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

1. restrict the use on the lot to residential and residential accessory uses.

Owner:	Trevor and Lorraine Nesbitt
Applicant:	Robert Clark, Clark Consulting Services
Legal Description:	Part of Lot 18, Concession 12, geographic Township of Manvers
Designation:	Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone within the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 60.3 hectares (approximate) – Coe Fisher Cameron Severed – 0.42 hectare, Retained – 59.88 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North, East and South: Agricultural, Rural Residential and Environmental Protection West: Agricultural and Rural Residential

## **Rationale:**

The property is located on the southside of Pigeon River with the surrounding lands being primarily agricultural lands with some rural residential lots that appear to have been created from the larger farm parcels they abut. The prime agricultural lands are to be protected and preserved from new residential development or any other incompatible land use(s) that may hinder existing or future agricultural operations. As well, a separate road entrance exists for the farming operation. To fulfill a condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted the required application to amend the Zoning By-law that will, if granted, fulfil this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel in the same ownership name and identified as 439 Golf Course Road.

In order to ensure Minimum Distance Separation (MDS) respecting livestock activities is complied with, a condition of consent approval was placed for the retained lands, for the removal of the grain bin, and for the existing metal shed to be disconnected from water sources and repurposed for agricultural storage use only.

The protective zoning on sections of the retained lands was requested by Kawartha Conservation (KRCA) to protect the ecological and hydrologic functions of the watercourse and wetland tributaries that traverse the subject land in perpetuity.

Regarding the lot to be severed, the parcel comprises of a single storey brick house, a metal shed, grain bin, a septic bed, a well, and a separate driveway access. A condition of the consent approval was also placed for the removal of the metal shed and grain bin from the lot to be severed. The residential lot is deemed surplus to the needs of the farm operation.

The applicant submitted a Planning Justification Report prepared by Clark Consulting Services, dated October 2018 in support of the application. This document discusses the appropriateness of the proposed consent in keeping with the provincial policy for the protection of agricultural lands.

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

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (GP):**

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

The residential dwelling is an established land use that appears to be compatible with the surrounding land uses. The location of the existing servicing (well and septic) and the proposed lot configuration ensures that the adjacent farmland will be unfettered and maintained for agricultural uses.

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

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

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

The application to rezone the retained agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The supplementary open space lands to be recognized in conjunction with the existing open space designation on the southeast corner of the retained land, through this rezoning will provide for the long term protection of this natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are prohibited in environmentally sensitive areas.

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

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

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

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

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm

operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as being required for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

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

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

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

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

The General Provisions Section 20.16 has requirements where there are multiple zones on a lot. When a lot is created by consent, the retained lot must comply with the minimum lot area and lot frontage of the applicable zones. The O1 Zone does not have lot area or lot frontage requirements. The retained lot exceeds the minimum lot area and frontage requirements of the A1 Zone. The proposed amendment would specify that the zone boundary between the A1 Zone and O1 Zone shall be considered to be a lot line for the purposes of applying all other requirements of the Zoning By-law. This will ensure that there are adequate setbacks from the wetland buffer for development.

The lot to be severed is deemed to also exceed the minimum lot frontage and area requirement for the RR1 Zone in the By-law. As such, no land use compatibility issues are anticipated. In fulfillment of the RR1 zoning provisions, the proposed amendment from A1 Zone to RR1 Zone would recognize the severed lot as a primarily residential use lot.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

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



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

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

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

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

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

### **Servicing Comments:**

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

### **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. As of August 20, 2019, we have received the following comments:

#### **Public Comments:**

No comments were received.

#### **Agency Comments:**

On August 13, 2019, the Building Division advised that they have no concerns with the application.

On August 13, 2019, the Part 8 Sewage Systems Supervisor – Building Division advised that they have no objection to the proposed zoning amendment.

On August 19, 2019, the Engineering and Corporate Assets Department advised they have no objections or comments to the proposed application.

On August 19, 2019, Enbridge Gas Inc. advised they do not object to the proposed application, however, that they reserve the right to amend our development conditions.

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

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

### **Conclusion:**

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

### **Attachments:**

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C1 and C2 – Applicant Sketch – received May 21, 2019



Appendices A-C to  
PLAN2019-047.pdf

Appendix D – Draft Zoning By-law Amendment



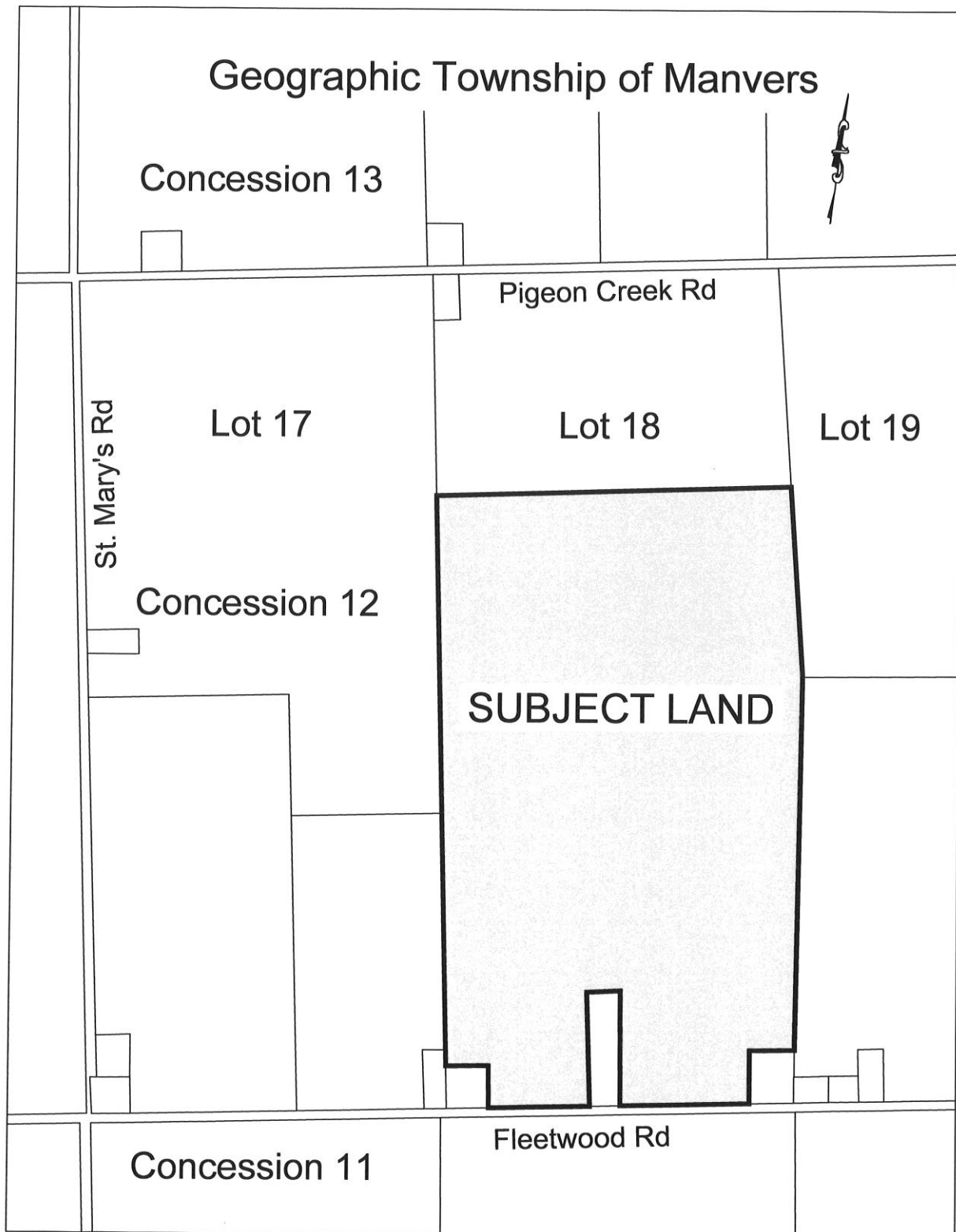
Appendices D to  
PLAN2019-047.pdf

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-020



## 1067 Fleetwood Road, geographic Township of Manvers



1.83

Kilometers

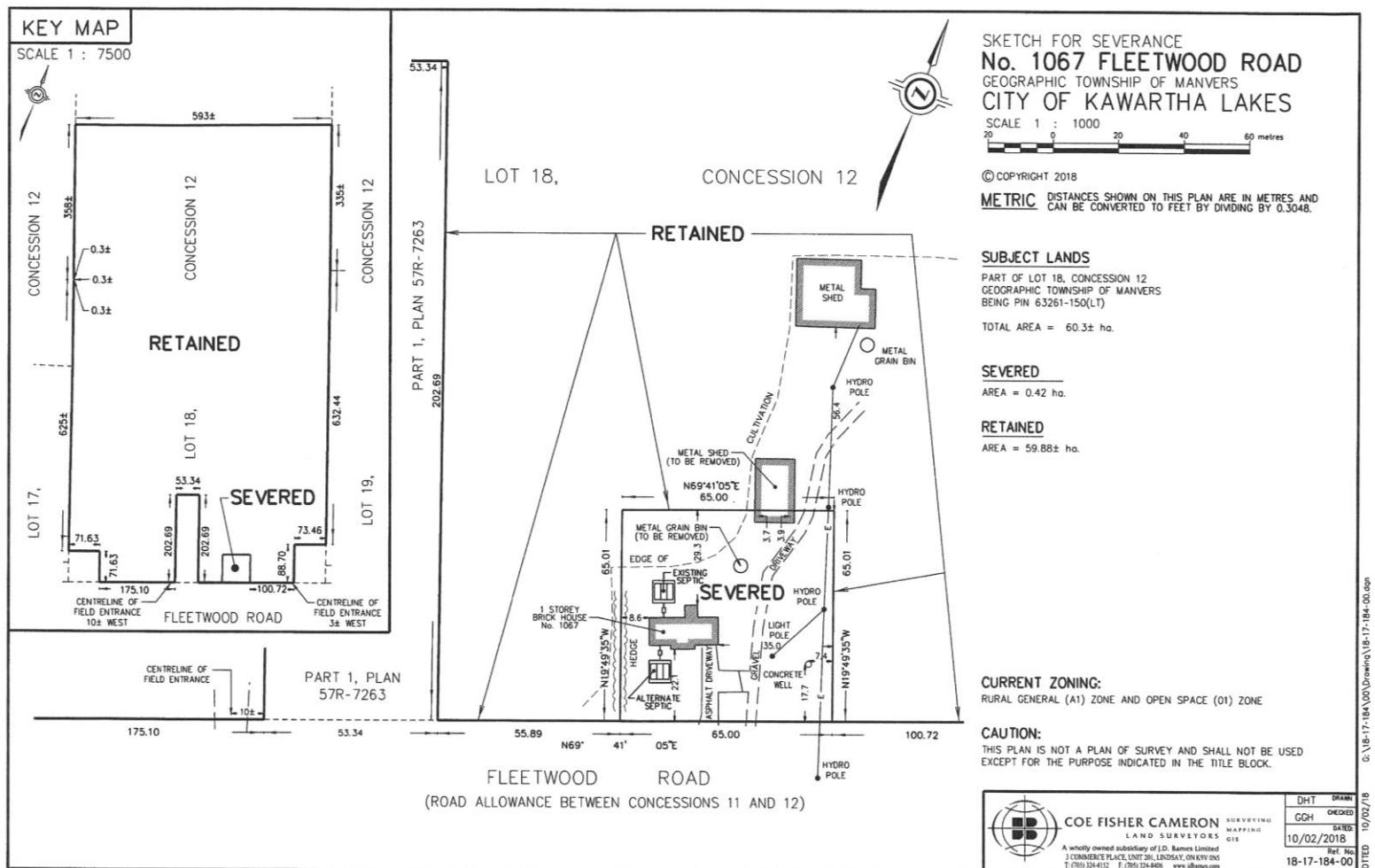
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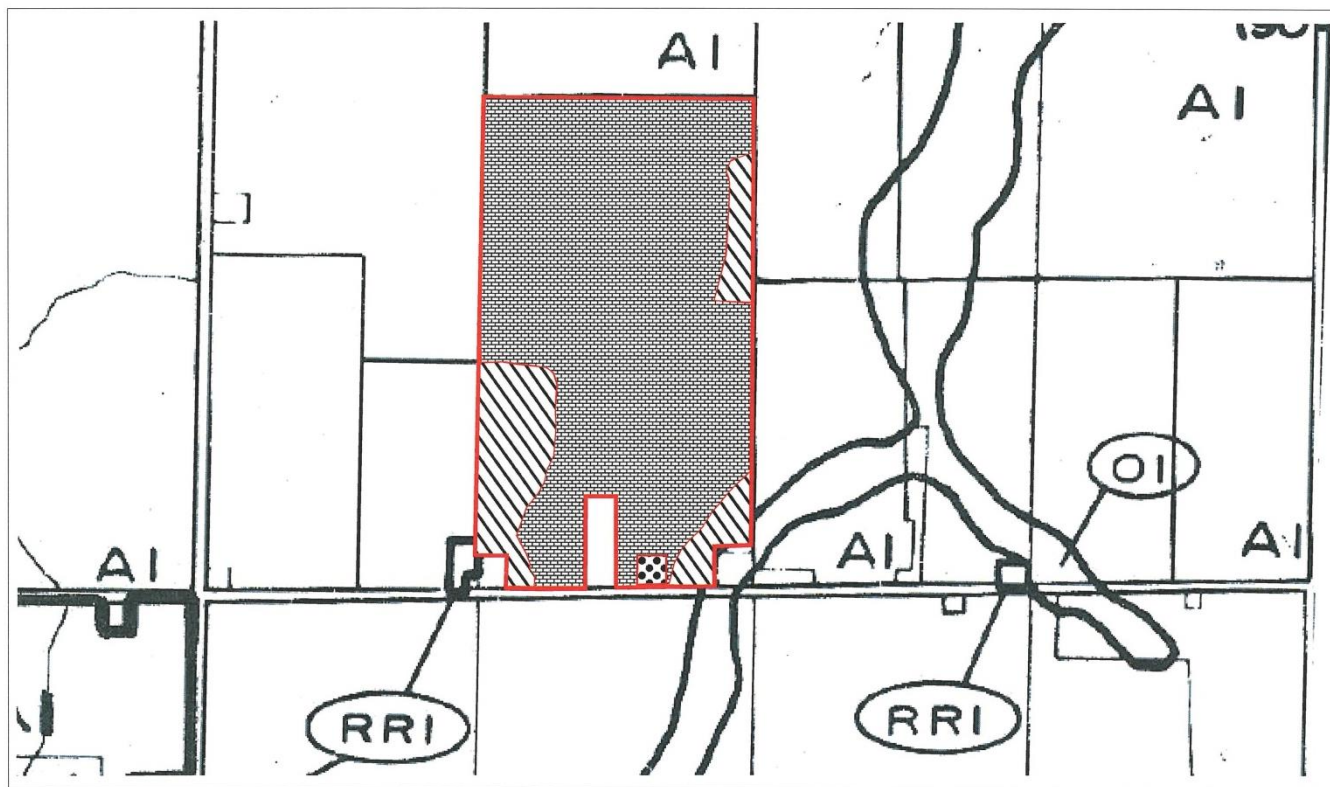


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to

REPORT PLAN2019-047FILE NO: D06-2019-020



Legend

- Subject Lands
- Lands to be zoned Open Space (OI)
- Lands to be zoned Rural Residential Type I (RR1 )
- Lands to be zoned Rural General Exception (AI-#)

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

## **By-Law 2019 -**

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

[File D06-2019-020, Report PLAN2019-047, respecting Part Lot 18 Concession 12, former Township of Manvers, identified as 1067 Fleetwood Road – Trevor and Lorraine Nesbitt]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific retained parcel of land for:
  - a) the Rural General (A1) Zone to prohibit residential use on the agricultural lands;
  - b) the Open Space (O1) Zone to prohibit development, building or structures;
  - c) the A1 Zone and Open Space (O1) Zone to be considered as one (1) lot area; and
  - d) the zone boundary for the two zones to be considered a lot line for the purposes of the Zoning By-law requirements on the proposed retained portion of the property to fulfil a condition of consent approval.
3. Council has received an application to amend the categories and provisions relating to a specific severed parcel of land for:
  - a) the Rural Residential Type One Zone (RR1) Zone to restrict the use on the lot to residential and residential accessory uses
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to rezone the Property.

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

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 18, Concession 12, former Township of Manvers, now City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Open Space (O1) Zone as shown on Schedule A attached to this By-law.
- 1.03 **Schedule Amendment:** Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Rural General Special 41 (A1-S41) Zone as shown on Schedule A attached to this By-law.
- 1.04 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 10.4:

“oo. Notwithstanding Subsection 10.1, on lands zoned A1-S41, a dwelling and associated accessory uses thereto are not permitted.”

- 1.05 **Textual Amendment**: By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 20.16:
- “i. Where the A1-S41 and O1 appear together on any schedule to the Bylaw and share a common boundary, then the combined area of the A1-S41 and O1 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”
- 1.06 **Schedule Amendment**: Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Rural Residential Type One (RR1) Zone as shown on Schedule A attached to this By-law.

**Section 2:00      General Terms**

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

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

<hr/> <p>Andy Letham, Mayor</p>	<hr/> <p>Cathie Ritchie, City Clerk</p>
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THE CORPORATION OF THE CITY OF  
**KAWARTHA LAKES**

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

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

**Geographic Township of Manvers**

Concession 13

Pigeon Creek Rd

St. Mary's Rd

Lot 17

Lot 18

Lot 19

Concession 12

A1-S41

Fleetwood Rd

Concession 11

RR1

Legend:  O1

Meeting No. PC2019-09
Date 9/11/2019
Item No. 3.2

**Planning Advisory Committee  
Public Meeting**

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1. Subject:

**PLAN2019-048**

2. Initiated By:

**PLAN**

3. Referred By:

4. Decision Required:

Quadri Adebayo, Planner II

An application to amend the Township of Verulam Zoning By-law 6-87 on lands described as Part of Lot 26, Concession 6, Geographic Township of Verulam, identified as 36 Walker's Road - William Ashby and Joseph McGale

5. Documents attached:

- PLAN2019-048.docx
- PLAN2019-048 Appendices A-C.pdf

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-048**

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**Date:** September 11, 2019

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 2 - Verulam**

**Title:** An application to amend the Township of Verulam Zoning By-law 6-87 to convert the temporary use permissions on the portion of land zoned General Rural Exception Eighteen (A1-18) Zone to a permanent use with specific zoning standards. The rezoning will delete the current temporary use zone provisions for staging of outdoor role playing games including hosting of Live Action Role Playing (LARP) games for commercial uses, and replace it with new textual amendments that will permit the LARP use on a permanent basis on lands described as Part of Lot 26, Concession 6, geographic Township of Verulam, now City of Kawartha Lakes, identified as 36 Walker's Road (William Ashby and Joseph McGale – Planning File D06-2019-018)

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

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### **Recommendation(s):**

**That** Report PLAN2019-048, respecting Part of Lot 26, Concession 6, geographic Township of Verulam, and identified as 36 Walker's Road; Application No. D06-2019-018, be received; and

**That** a Zoning By-law Amendment respecting application D06-2019-018 be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, have been addressed.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The A1-18 Zone was applied to a portion of the property on May 24, 2016 (By-law 2016-114) by Council, for application D06-16-016 which established the LARP use on a temporary basis for a period of three (3) years to determine if the business is economically viable. The LARP business was to function during the weekends (Friday to Sunday) between May and October. Although temporary tents and huts formed part of the activity, no permanent buildings or structures were proposed at the time.

On April 23, 2019 By-law 2019-076 was passed by Council to extend the temporary A1-18 Zone provisions 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.

As the owners have determined the commercial viability of the LARP use, the temporary use extension was considered necessary in order to ensure the LARP business maintains an active status during the period when background documentation is being compiled for a submission to convert the business to a permanent use, including enabling a thorough review of the submission to be completed by staff, and to allow enough time for the processing of the rezoning application under the timeframes of the Planning Act. The permanent use rezoning application was deemed complete June 10, 2019.

This rezoning application proposes to amend By-law 2019-076 that would replace the temporary use provisions with the following textual amendments that would allow the LARP use to continue on a permanent basis:

1. permit the staging of outdoor recreation activity and role playing games including the hosting of the LARP games for commercial purposes within a dedicated 1-storey building of approximately 90 square metres in size;
2. permit an approximately 60 square metre single-storey administrative building;
3. permit the use of temporary and permanent structures such as tents and huts not exceeding 10 square metres in size provided they are ancillary to the commercial role playing venue and erected in accordance with applicable laws, and provided the maximum building area for all buildings (main and accessory) shall not exceed 300 square metres;
4. permit the use of trailers only during gaming events and within the timeframe identified above.
5. permit a gravel surface area of approximately 3,660 square metre for parking lot use having 120 parking stalls, together with a 7.2 metre wide two-lane entrance with gravel surface; and
6. permit the LARP activity occurring on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November.

Owner:	William Ashby and Joseph McGale
Applicant:	Kevin M. Duguay – KMD Community Planning and Consulting Services Inc.
Legal Description:	Part of Lot 26, Concession 6, geographic Township of Verulam
Designation:	Rural and Environmental Protection with Significant Woodlands in the City of Kawartha Lakes Official Plan
Zone:	General Rural Exception Eighteen (A1-18) and Open Space (OS) within the Township of Verulam Zoning By-law No. 6-87
Lot Area:	Total - 40 hectares (Approximate) A1-18 Zone (Less than 40 ha), OS Zone (Less than 1 ha)
Site Servicing:	Private individual well for the Administrative Building only, and Privy - Portable toilets secured from a qualified firm and under maintenance contract
Existing Uses:	Accessory Buildings - Series of structures not exceeding 10 square metres and ancillary to the commercial role playing venue
Adjacent Uses:	North, South, East and West: Large rural lots including agricultural operations and rural residential uses.

### **Rationale:**

The portion of the subject property under the lens of the rezoning is less than 40 hectares in size. It is bounded on the west by Walker's Road and on the south by Cedar Tree Road. 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). A 90 square metre gaming facility building is proposed for the LARP activities. A 60 square metre administrative building is also proposed on the north side of the property entrance for logistics purposes. The development includes a 7.2 metre wide two-lane entrance off Walker's Road (a reduction to the original 7.5 metre entrance passed by Council in April) that links to a gravel surface parking area with 120 parking stalls. The

parking area is an improvement from the original grassed parking area allocated to accommodate up to a 100 vehicles only.

It is anticipated that one or two (1 - 2) LARP events will take place during the weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November with a capacity for 300 attendees. It is suggested that about 100-150 participants will be involved per game. Participants stay in character the entire event. It is proposed that participants will stay overnight on the property and are expected to make their own sleeping arrangements which include campers, small trailers and tents. The allowable maximum building area (temporary and permanent) shall not exceed 300 square metres at any point in time.

Other areas of the property not containing accessory structures that are ancillary to the commercial role playing venue are proposed to be utilized for active recreation activity (trails, hiking activities only). Portable toilets secured from a qualified firm and under maintenance contract are also proposed.

In support of the application, the applicant has submitted the following:

1. Traffic Impact Brief (TIB) prepared by C.C. Tatham & Associates Ltd. (Consulting Engineers) and dated July 13, 2018. The study evaluates the potential traffic impacts of the LARP event use along with an evaluation of the site entrance requirements. The study concludes that:
  - The site has a maximum capacity for 300 attendees, and based on past attendance levels; event attendance is expected to be in the order of 100 to 150 persons. With vehicle occupancy of 2 persons per car, it is expected that 50 to 75 vehicles will access the site during weekend events (this translates to a parking requirement of 35 to 52 parking spaces). Of which 75% of the vehicle arrivals on Friday are anticipated to stay on site until Sunday, while the remaining 25% are assumed to be 'drop-off' and 'pick-up' vehicles. Therefore, a one hour peak vehicular traffic-period of arrivals/departure is expected to occur once on Friday and once on Sunday or Monday (during long weekends);
  - Increase in traffic volumes associated with the proposed LARP venue will be readily accommodated and will not have any appreciable impacts on the area road network. With 11 dwellings on Walker's Road (Bury's Green Road to Cedar Tree Road), and 16 dwellings on Cedar Tree Road (Lamb's Road to St. Albans Road), the peak hour volumes during a weekend event is anticipated to reflect 10% of the daily volumes of these dwellings in the order of 11 to 16 vehicles, based on 10 trips per day per dwelling. It is also forecasted that some groups may elect to organize buses to and from the site which will reduce the number of trips to and from the site; and
  - No operational issues are expected at the site access provided the existing access point will undergo structural improvements to ensure that it can accommodate the forecasted traffic volume in accordance with the

minimum driveway width of 7.5 metres as prescribed in the Township of Verulam Zoning By-law 6-87.

2. A Scoped Environmental Impact Study (EIS) report prepared by Niblett Environmental Associates Inc. (Biological Consultants), and dated September, 2018. This document outlines the following:
  - Measures to address potential negative impacts to the nearby natural features (woodlands and wetlands) and /or their functions on the property that may result from the development (pre-construction through post-construction);
  - That the proposed two (2) new buildings and parking area are located outside any environmentally sensitive areas; and
  - Emphasis on consultations with, and obtaining permits from relevant regulatory authorities – Kawartha Conservation (KRCA) and Ontario Ministry of Natural Resources and Forestry (OMNRF).
3. A Planning Justification Report (PJR) prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated January 2019, and revised June 2019. The document justifies the proposal as being in conformity with policy directives.

Staff has reviewed the report and accompanying documentation filed in support of the zoning by-law amendment. All the reports and accompanying documentation have been circulated to the applicable Agencies and/or City Departments for review and comment. In order to fully evaluate this application, Staff will need to review the potential impact(s) to present and future agricultural land uses as no Agricultural Impact Brief was provided as part of the submission.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (GP):**

Section 2.2.9 indicates that development outside of settlement areas may be permitted where necessary for the resource-based recreational activities that will not adversely affect the protection of agricultural uses, and limited to tourism-related uses that serves the needs of visitors provided site-specific location with approved zoning is placed. Section 4.2.2 provides for the protection of natural heritage features and biodiversity identified within official plans. The rezoning to convert the LARP use from temporary to permanent is consistent with these policies. An EIS that identifies the protection of key ecological functions, and meets municipal and regulatory authority requirements has also been completed.

Therefore, provided it can be demonstrated that there is no negative impact(s) to agricultural uses, and the concerns raised by other City Departments regarding site servicing can be satisfied, this application would be considered to conform to the policies of the GP.

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

Section 1.1.4 of the PPS provides that rural assets and the protection of the environment be leveraged as foundation for a sustainable economy and the conservation of biodiversity. The application is consistent with the PPS in that it promotes diversification of the economic base and may provide employment opportunities through goods and services, including value-added products and provides opportunities for sustainable and diversified tourism.

Section 1.1.5.2 states that on rural lands located in municipalities; permitted uses include resource-based recreational uses. Recreation, as defined in the PPS includes leisure time activity undertaken in built or natural settings for the purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential. The proposed LARP venue is a resource-based recreational use that takes advantage of the natural features of the area and landscape to offer opportunity for personal enjoyment and positive social interaction.

As well, Section 1.1.5.8 provides that agricultural uses and agricultural-related uses be protected in accordance with provincial standards. Provided it can be demonstrated that there is no negative impact(s) to agricultural uses, and the concerns raised by other City Departments regarding site servicing can be satisfied, this application would be considered to be consistent with the PPS.

### **Official Plan Conformity:**

The land is designated Rural and Environmental Protection in the City of Kawartha Lakes Official Plan (OP). The Environmental Protection designation delineates a small portion of the Hawkers Creek Provincially Significant Wetland located in the south east corner of the property which also features Significant Woodlands.

Permitted uses in the rural designation include active and passive recreational uses and facilities, golf courses, ski resorts, ecotourism and agri-tourism. An outdoor games (LARP) venue would be considered an active and/or passive recreation which does not have the land requirement or site alteration of a golf course or ski resort. The LARP venue will operate, for the most part, outside of the Environmental Protected lands although trail use is permitted in accordance with Section 17.3 of the OP. An EIS scoped by the KRCA has been completed for the proposed new buildings and structure that comes with the permanent use which demonstrates no negative impacts.

Section 34.7 established the entire City of Kawartha Lakes as a Site Plan Control Area applying to all uses except for agricultural, aggregate extraction, forestry, open space and single detached residential uses. Staff is recommending a site plan control for the property through this rezoning to permit the permanent outdoor games venue use.



As well, the appropriate cash-in-lieu of parkland dedication will be required for the development: 2% for the commercial uses in accordance with Section 34.7. The value will be determined by a qualified land appraiser, based on the timelines established by the Planning Act, as amended.

The rural designation primarily classified as class 4-7 agricultural production soils promotes the protection of these lands from fragmentation or non-agricultural uses. As the potential impact(s) of the LARP venue to surrounding agricultural uses has not been justified, and the service levels for the recreational activities that would account for the wise management of the soil has not been clearly defined, this application has not been demonstrated to conform to these specific sections of the OP.

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

The portion of the land is zoned General Rural Exception Eighteen (A1-18) in the Township of Verulam Zoning By-law No. 6-87. The application proposes to delete the inherent temporary zone provisions and replace it with new zoning standards that would permit the LARP use on a permanent basis and still allow the hosting of the LARP games for commercial uses, this time with two (2) permanent buildings along with temporary tents, huts, and trailers forming part of the activity. Also, following the Township of Verulam Zoning By-law 6-87 minimum requirement for driveways, Staff note that the gravel driveway access leading up to the gravel parking area need to be revised to 7.5 metre width.

At this time, it is premature to consider the rezoning until the proposal is revised to reflect an updated driveway/access, supplemented with other outstanding items identified in this report.

### **Other Alternatives Considered:**

No other alternatives were considered at this time.

### **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 (LPAT). 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 three main Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- 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.

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

Should a need arise; the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

### **Servicing Comments:**

The proposed servicing is a private individual well for the Administrative Building only and portable toilets which will be secured from a firm and under maintenance contract.

According to the Building Division – Part 8 Sewage Systems, under the requirements of the Ontario Building Code, buildings used for administration and assembly purposes require bathrooms as part of the construction use. As such, on-site sewage disposal systems will be required to service the proposed buildings.

### **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application in accordance with the requirements of the Planning Act. As of August 29, 2019, we have received the following comments:

#### **Public Comments:**

No comments were received.

#### **Agency Comments:**

On August 16, 2019, the Building Division advised that they have no concerns with the application.

On August 19, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

On August 19, 2019, the Enbridge Gas Inc. advised that they have no objections to the application.

On August 23, 2019, the Agricultural Development Officer – Economic Development advised of their concern, that no documentation (Agricultural Impact Brief or Study) reviewing the potential impact(s) from the proposed activities and building plans was provided. And that no report justifying that the

proposal will comply with Minimum Distance Separation (MDS) requirement from neighbouring livestock facilities was provided.

On August 29, 2019, the Part 8 Sewage Systems – Building Division advised that they cannot support the proposal as presented. The provision of temporary and permanent accommodation will require adequate servicing to ensure appropriate health requirements can be met. The plan does not indicate the location or accommodation of servicing for the proposal. As such, this information would need to be outlined in overall plan for consideration.

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

The application for Zoning By-law Amendment is subject to further requirements to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and City of Kawartha Lakes Official Plan. At this time, the potential impact(s) of the LARP venue to surrounding agricultural uses has not be justified, and the proposed servicing has been deemed unsatisfactory.

Based on the Traffic Impact Brief and requirements of the Township of Verulam Zoning By-law 6-87, planning staff will require that the gravel driveway access leading up to the gravel parking area be revised to 7.5 metre width. As well, staff cannot fully determine the appropriateness of the proposal as not all concerns raised by City Departments appear to have been satisfied.

Staff recommends that the application be referred back to staff until such time as the additional requirements requested by planning staff and the concerns raised by other City Departments have been addressed.

### **Conclusion:**

In consideration of the comments and analysis contained in this report, staff respectfully recommends that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, 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 Quadri Adebayo, Planner II, and (705) 324-9411 ext. 1367.



Appendices A-C to  
PLAN2019-048.pdf

Appendix A – Location Map  
Appendix B1 – Aerial Photograph  
Appendix B2 – Zoning Schedule  
Appendix C – Proposal Sketch

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

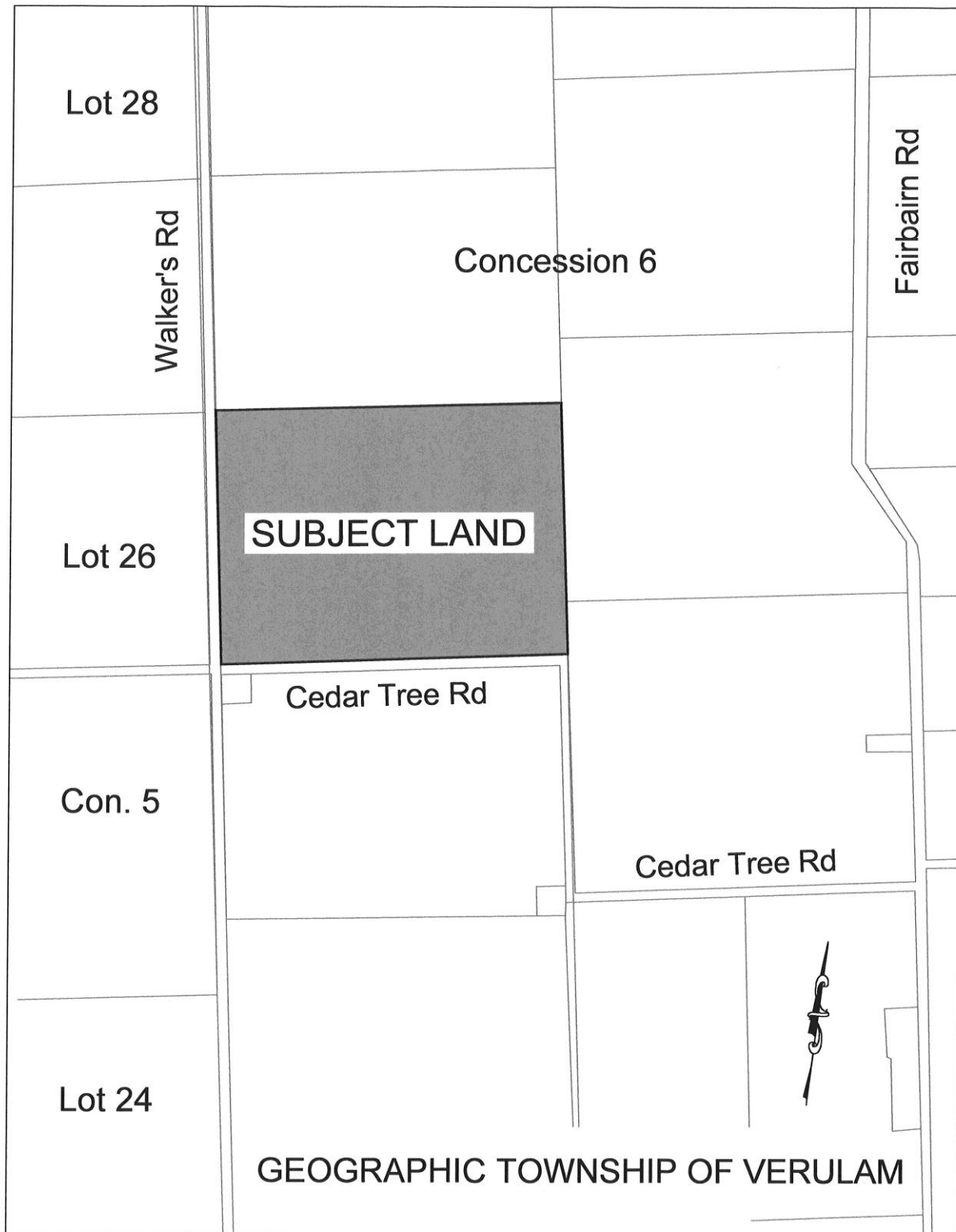
**Department Head:** Chris Marshall

**Department File:** D06-2019-018

to

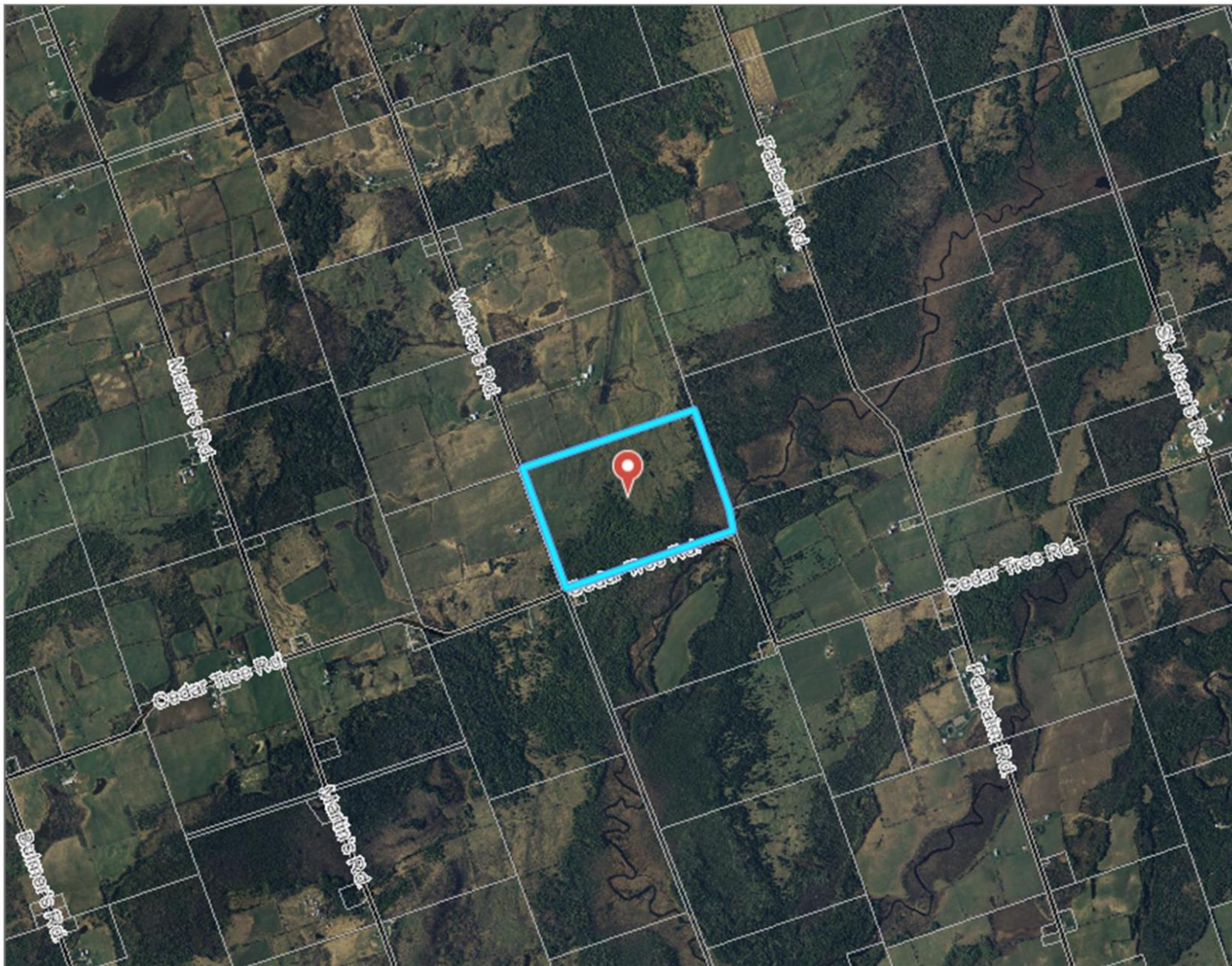
REPORT PLAN2019-048

FILE NO: D06-2019-018





## 36 Walker's Road, geographic Township of Verulam



1.83

Kilometers

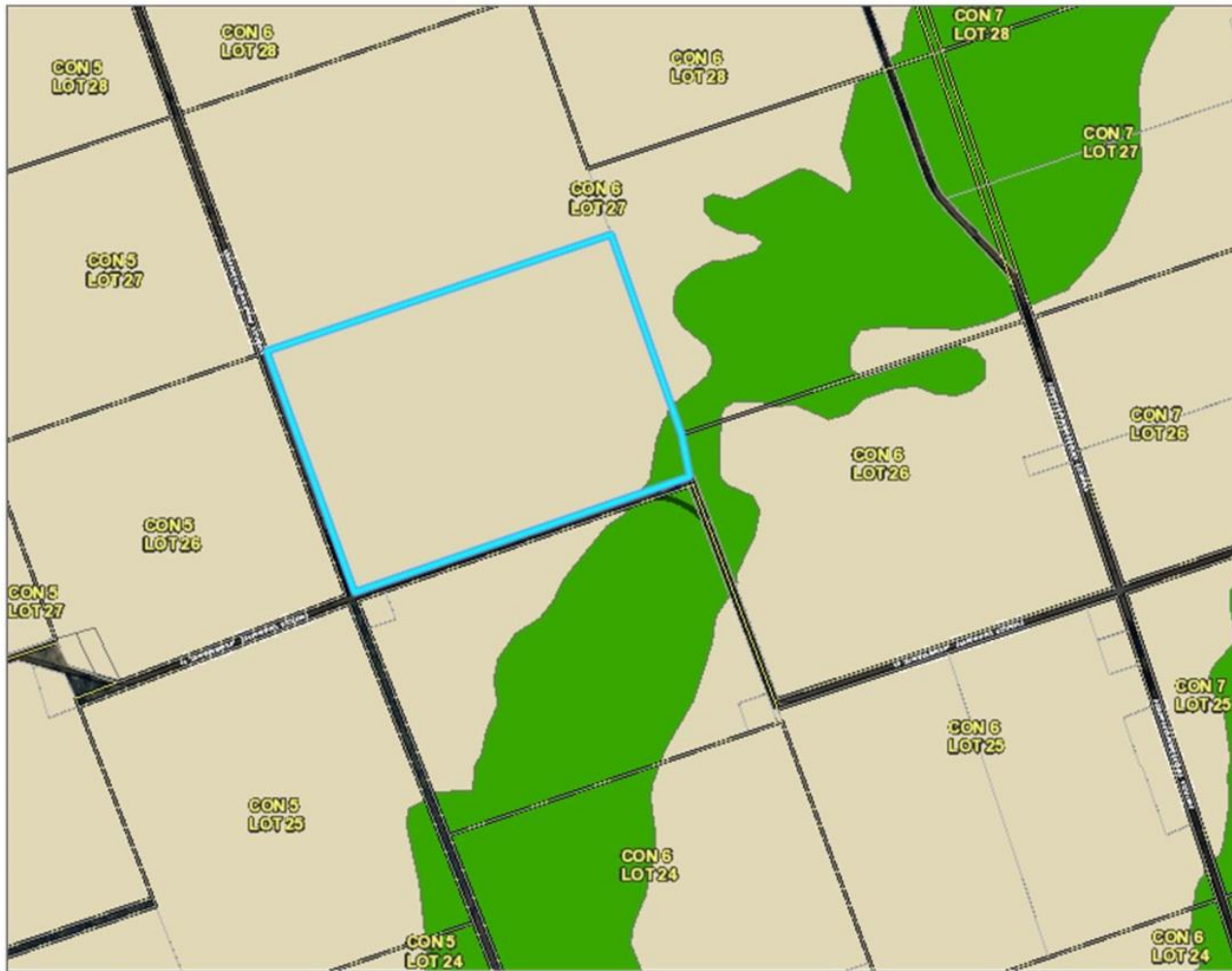
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to

REPORT PLAN2019-048FILE NO: D06-2019-018**36 Walker's Road, geographic Township of Verulam****Legend**

- ☐ Property ROLL#
- ☐ Lots and Concessions
- ☐ Road Centreline (2016 Needs)
- ☐ Township of Verulam Zoning By
- ☐ Agricultural
- ☐ Residential
- ☐ Commercial
- ☐ Industrial
- ☐ Community Facility
- ☐ Environmental Protection
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities
- ☐ Populated Places
- ☐ Water Labels

**Notes**

0.92

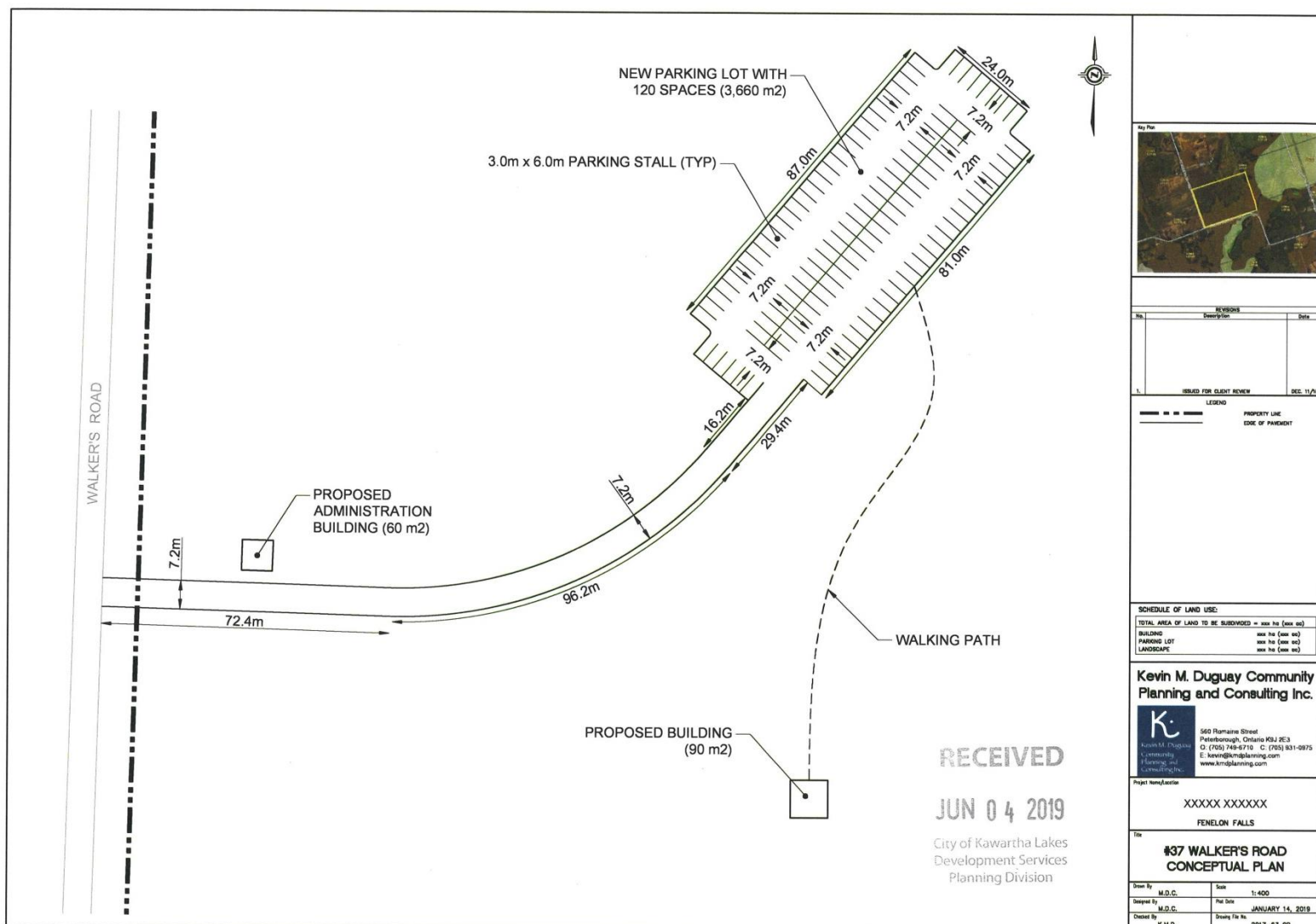
Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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to

REPORT PLAN2019-048FILE NO: D06-2019-018



Meeting No. PC2019-09
Date 9/11/2019
Item No. 3.3

**Planning Advisory Committee  
Public Meeting**

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1. Subject:

**PLAN2019-049**

2. Initiated By:

**PLAN**

3. Referred By:

4. Decision Required:

Mark LaHay, Planner II

A revised application to amend the Township of Fenelon Zoning By-law 12-95 on lands described as Part Lot 12, Concession 7, Geographic Township of Fenelon, identified as 356 Country Lane - Moore

5. Documents attached:

- PLAN2019-049.docx
- PLAN2019-049 Appendix A.pdf
- PLAN2019-049 Appendix B.pdf
- PLAN2019-049 Appendix C.pdf
- PLAN2019-049 Appendix D.pdf

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-049**

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**Date:** September 11, 2019

**Place:** Council Chambers

**Public Meeting**

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

**Title:** A revised application to amend the Township of Fenelon Zoning By-law 12-95

**Description:** To change the Agricultural (A1) Zone to the Agricultural Exception Twenty-Four (A1-24) Zone to permit a Garden Suite for up to 20 years, on Part Lot 12, Concession 7, geographic Township of Fenelon, 356 Country Lane (Moore)

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

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### **Recommendations:**

**That** Report PLAN2019-049, respecting Part Lot 12, Concession 7, geographic Township of Fenelon, Application D06-2019-014, be received;

**That** a Zoning By-law, respecting application D06-2019-014, substantially in the form attached as Appendix 'D' to Report PLAN2019-049 be approved and adopted by Council;

**That** staff be directed to prepare a Garden Suite agreement pursuant to Section 39.1 of the Planning Act, respecting this application; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The statutory public meeting was held by the Planning Advisory Committee on July 3, 2019, which adopted the following recommendation:

### **PAC2019-043**

**Moved By** Mayor Letham

**Seconded By** M. Barkwell

**That** Report PLAN2019-040, respecting Part Lot 12, Concession 7, geographic Township of Fenelon, Application D06-2019-014, be received;

**That** the proposed Zoning By-law Amendment respecting Application D06-2019-014, be referred back to staff 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; and

**That** upon further review and processing by staff, this application be referred back to the Planning Advisory Committee.

**Carried**

At the Council Meeting of July 16, 2019, Council adopted the following resolution:

### **CR2019-436**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the Minutes of the July 3, 2019 Planning Advisory Committee Meeting be received and the recommendations, included in Section 13.3 of the Agenda, be adopted.

**Carried**

This report addresses that direction.

Revised Proposal: To rezone the subject land from the Agricultural (A1) Zone to the Agricultural Exception (A1-\*\*) Zone. The effect of the zoning amendment would be to permit a garden suite, which is a temporary, detached dwelling unit that is designed and

constructed to be portable and is ancillary to the existing detached dwelling, as a second dwelling unit on the property. This revised application does not propose a permanent second dwelling.

Owners:	Kenneth and Ute Moore
Applicant:	Tom deBoer, TD Consulting Inc.
Legal Description:	Part Lot 12, Concession 7, geographic Township of Fenelon
Official Plan:	"Prime Agricultural", and "Environmental Protection" with an Unevaluated Wetland Natural Heritage Feature in the City of Kawartha Lakes Official Plan
Zoning	"Agricultural (A1) Zone" in the Township of Fenelon Comprehensive Zoning By-law No. 1996-30
Site Size:	49.3 acres (19.95 ha.) - MPAC
Site Servicing:	The lot is serviced by a private individual well and a private individual sewage disposal system, which will be shared with the proposed garden suite.
Existing Uses:	Residential/Agricultural
Adjacent Uses:	North: Rural Residential/Agricultural East: Highway 35/Agricultural South: Rural Residential/Agricultural West: Country Lane/Agricultural

## **Rationale:**

The owner originally applied to permit a second detached dwelling on the subject land and has now revised the application to permit a garden suite, which is a temporary use. The subject lands are in a prime agricultural area and located north of the Hamlet of Cameron, west of Highway 35 on the east side of Country Lane. The existing single detached dwelling was built in 2010 according to MPAC records. The garden suite is proposed to be located to the south of the existing single detached dwelling and west of the irrigation pond and will occupy an area of approximately 150 sq. m. (1615 sq. ft.). The proposed garden suite dwelling is proposed to be a modular home structure.

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

1. Zoning By-law Amendment Application received March 11, 2019 for a proposed second dwelling.
2. Planning Brief, prepared by TD Consulting Inc., dated March 5, 2019
3. Site Plan for the Zoning By-law Amendment prepared by the TD Consulting Inc., dated January 2019.

4. Site Servicing Plan for the Zoning By-law Amendment prepared by the TD Consulting Inc., dated March 2019.
5. Agricultural Impact Assessment, Agricultural Brief and Minimum Distance Separation (MDS) Report prepared by Clark Consulting Services, dated February 4, 2019 demonstrating the proposed second dwelling complies with the Provincial MDS Formulae and restricts land lost to productive agricultural use.
6. Well Flow Test prepared by GHD Limited, dated February 25, 2019 confirming sufficient water quantity to support an additional dwelling.
7. Revised Zoning By-law Amendment Application received July 18, 2019 to permit a Garden Suite with accompanying letter from TD Consulting Inc., dated July 18, 2019.
8. Revised Site Plan for the Zoning By-law Amendment prepared by the TD Consulting Inc., dated July 2019 illustrating the Garden Suite in a location closer to the existing detached dwelling.
9. Revised Site Servicing Plan for the Zoning By-law Amendment prepared by the TD Consulting Inc., dated July 2019.

Staff has reviewed the supporting documentation and applicable City and Provincial policy objectives that are relevant to evaluating this revised application.

The effect of this revised application is to permit a garden suite on the property which is a temporary, detached dwelling unit that is designed and constructed to be portable and is ancillary to the existing detached dwelling, as a second dwelling unit on the property. The applicant has indicated that the proposed garden suite will be located to the south of but closer to the existing dwelling than the previous application with a new shorter driveway connection from the existing driveway providing access from Country Lane and will share the existing well and septic system that services the main dwelling. The location of the garden suite was chosen to protect and maintain the agricultural land along the Highway 35 frontage, the rear of the existing dwelling contains a geothermal system, and the area between the existing dwelling and Country Lane contains the septic system and irrigation system.

According to the application, the tenants of the proposed garden suite are related to the owners of the property and will be a caregiver to the aging parents.

### **Applicable Provincial Policies:**

The Planning Act, , R.S.O. 1990, c.P.13, provides a framework for municipalities to require policies within their Official Plans which support second dwelling units to be implemented through municipal Zoning By-laws. Section 39.1 of the Planning Act provides specific requirements for Garden Suites as a temporary use.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):**

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This revised application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Based on the information submitted, the revised application appears to conform to the 2019 Growth Plan.

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

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

The temporary residential use proposed on the subject property, which is currently zoned for agricultural and open space purposes, is not anticipated to impact the subject or adjacent agricultural uses.

The applicant has submitted MDS calculations and an Agricultural Impact Assessment/Brief, which concludes that MDS setbacks are met for Type 1 land uses in relation to the existing barns within the review area, which complies with the requirements of the PPS and that impacts on the loss of agricultural land and production will be minimal. The revised application for a Garden Suite meets MDS setbacks and does not result in land lost to productive agricultural use.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. 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. Significant Woodland has been mapped within 120 metres of the southeastern portion of the subject land; however the proposed development appears to be more than 120 metres from this Natural Heritage Feature and the Unevaluated Wetlands Natural Heritage Feature in the northwestern portion of the subject land. In addition, an area within 15 metres of the top of bank of the watercourse traversing the subject property and a portion of the northwestern area of the subject land is within a regulated area. It would appear that the proposed location of the garden suite is outside the Kawartha Conservation (KRCA) regulated area; however, a portion of the proposed

driveway extension and site alterations required for the upgrading and expansion of the septic system appear to be within a regulated area, which would require a permit. It is not anticipated that there would be any negative impacts on the natural features or their ecological functions or any concern for any natural hazards associated with this revised application as the comments received from the KRCA advised they no objection to the proposed zoning by-law amendment.

Based on the above, it appears that the revised application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan. The Environmental Protection designation follows a watercourse traversing across a portion of the property. The proposed garden suite is proposed to be located outside the environmental designated area. Agricultural land impacts are intended to be minimized as the proposed garden suite will be located in an area not currently used for agricultural use and will also share well water and septic services with the existing dwelling.

The Prime Agricultural policies promote and protect prime agricultural lands from fragmentation and non-farm activities to ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas. Permitted uses within this designation include agricultural uses, agriculture-related uses, single detached dwellings accessory to the other permitted uses, garden suites, and secondary uses including kennels and agri-business uses meeting certain criteria.

Currently, policies to permit second units and second dwelling are not incorporated into the Prime Agricultural Designation in the City’s Official Plan; however policies exist for permitting garden suites.

The revised application would generally conform to the policies of the City of Kawartha Lakes Official Plan.

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

In order to permit the proposed use, a revised rezoning application has been submitted for consideration to add a Garden Suite, being a temporary use to the Agricultural (A1) Zone for the subject land. If the revised application is approved, the use would be permitted for the timeframe specified by the implementing Zoning By-law.

The draft By-law establishes that the Garden Suite shall not exceed a gross floor area of 150 square metres and shall be permitted for a period of 20 years.

## **Other Alternatives Considered:**

No other alternatives have been considered, other than a previous proposal submitted through preconsultation, where a proposed secondary dwelling was located a considerable distance behind the existing dwelling to the east towards Highway 35, on separate services, which was not supported by Staff. At that time, Staff recommended that the owner apply for a garden suite, which is a temporary dwelling and designed to be portable and ancillary to the main dwelling, which shares services with the main dwelling. The previously submitted proposal, considered at the Planning Advisory Committee during the Public Meeting on July 3, 2019, was a hybrid of the two, being a permanent second dwelling sharing services with the main dwelling, which was also not generally supported by Staff as existing policies do not support that use.

## **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 revised application would align with the exceptional quality of life goal as it supports housing options to supply affordable housing.

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

There are no accessibility implications for the City.

## **Servicing Comments:**

The lot is currently serviced by a private individual well and a private sewage disposal system, which will be shared with the proposed garden suite. The Building Division Part 8 Sewage Systems Staff have indicated that the property can be serviced with a single-sewage disposal system to accommodate the existing dwelling and the garden suite.



## **Consultations:**

Notice of the original application and revised application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting for the original application was held on July 3, 2019. To date, we have received the following comments:

### **Public Comments (Previous proposal for a Second Dwelling):**

One public comment was received from the owner of 338 Country Lane, which property appears to have been severed from the subject land and is the irregular shaped property located immediately to the south of the existing dwelling and partially bounded by the existing watercourse. Concerns were raised regarding the proximity of the proposed second dwelling and privacy concerns. At the initial Public Meeting the owner of 338 Country Lane spoke against the application stating that the proposed dwelling would be too close to his own. He expressed concern that the new driveway would be close to his property line removing his privacy, that the septic line is proposed to cross under a driveway, and the existing uses of the field on the east side of the property.

### **Public Comments (Revised proposal for a Garden Suite):**

No public comments have been received at the time of writing this report.

### **Agency Review Comments (Previous proposal for a Second Dwelling):**

On June 6, 2019, the Building Division advised they have no concerns.

On June 9, 2019, the Building Division Part 8 Sewage Systems Program advised the proposed zoning amendment has been reviewed to allow a second detached dwelling unit on the subject land which will be accessory to the existing single detached dwelling already present. A review of the existing sewage disposal components with the new proposal was completed through the Sewage System Review application with the Building Division. The review indicates that the performance level of the system will be reduced when the new detached dwelling is connected to it in its current configuration. As such, the sewage system will need to be upgraded or replaced to accommodate the proposed second detached dwelling. The owners were made aware of this requirement upon completion of the review. The owners are willing to complete the necessary requirements for the sewage system upgrades. As such, the Building Division – Sewage System Program has no objection to the proposed zoning by-law amendment.

On June 10, 2019, Development Engineering advised from an engineering perspective and further to the pre-consultation file D38-2018-088 they confirm they have no objection to the proposed Zoning By-law Amendment.

On June 10, 2019, the Community Services Department advised that they have no concerns or comments with respect to this application.

On June 11, 2019, Enbridge Gas Inc. advised they have no objection to the application.

On June 18, 2019, the Ministry of Transportation (MTO) advised they have no concern with the proposed zoning by-law amendment and that no access will be permitted from Highway 35 as all access is to be maintained via Country Lane. MTO requested to be circulated on any approvals required from the KRCA and the City of Kawartha Lakes regarding the proposed expansion of the septic bed. In addition, MTO approvals and permits are required prior to the construction and/or demolition of any buildings and/or structures and prior to the issuance of a building permit for lands within the Ministry's permit control area.

On June 25, 2019, the Kawartha Region Conservation Authority (KRCA) advised that portions of the subject property are within Kawartha Conservation's regulated area (due to the presence of wetlands and a watercourse) and are subject to Ontario Regulation 182/06. KRCA acknowledged the proposed zoning is A1 with an exception for the purpose to permit a garden suite/accessory dwelling unit as they are not permitted under the A1 Zone. KRCA advised they have no concerns with the proposed Zoning By-law Amendment.

On June 28, 2019, the Agriculture Development Officer advised that the Economic Development Division is not supportive of the application. Protection of Prime Agricultural Lands for agricultural purposes is the prime concern surrounding this application and therefore need to be preserved for farming purposes. The policies do not intend there to be multiple permanent dwellings, resulting in land lost for agricultural use which is counter to the agricultural land protection policies of the municipality and the province. There was also concern that a second, permanent residence on the property would be located in an adjoining farm field rather than co-locating it in the lands already removed from production, nearby the first house. Furthermore, it was indicated that even though the application suggests that the purpose is to care for aging parents, the two dwellings would be separated by nearly 150 metres, requiring more driveway area. There appears to be no connection between the request for an additional permanent residence and the agricultural operation on the property.

**Agency Review Comments (Revised proposal for a Garden Suite):**

On August 16, 2019, the Building Division advised they have no concerns. The proposal is subject to obtaining a Building Permit and Development Charges apply.

On August 19, 2019, Development Engineering advised that from an engineering perspective, they have no objection to the proposed Zoning By-law Amendment and have no engineering requirements.

On August 22, 2019, the Agricultural Development Officer advised that the applicant has moved the garden suite location to west of the pond, and will therefore preserve the adjacent hay field. This is certainly preferred to former proposals. A temporary garden suite on shared services with the primary residence is supported.

On August 23, 2019, the Building Division Part 8 Sewage Systems Program advised that a review of the sewage system requirements has been conducted and the property can be serviced with a single-sewage disposal system to accommodate the existing dwelling and the garden suite. As such, the Building Division – Sewage System Program has no objection to the proposed zoning by-law amendment.

On August 26, 2019, Enbridge Gas Inc. advised they have no objection to the application.

On August 26, 2019, the Ministry of Transportation (MTO) advised they have no concern with the proposed zoning by-law amendment and that no access will be permitted from Highway 35 as all access is to be maintained via Country Lane. MTO requested to be circulated on any approvals required from the KRCA and the City of Kawartha Lakes regarding the proposed expansion of the septic bed. In addition, MTO approvals and permits are required prior to the construction and/or demolition of any buildings and/or structures and prior to the issuance of a building permit for lands within the Ministry's permit control area.

On August 27, 2019, KRCA advised they have no further comment or concern with the application.

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

The comments that have been received from circulated agencies and City Departments indicate there is no concern with the revised application. Staff is also satisfied that the revised application meets applicable policy objectives. The background supporting studies for the original proposal also apply to and support the revised proposal for a Garden Suite. In this regard, the revised proposal continues to comply with MDS Formulae, and is proposed to be located in an area that is not being used for productive agricultural use. The location of the proposed Garden Suite, being closer to the existing dwelling and not within an adjacent hay field is better suited for the development of the property, resulting in a shorter driveway connection thereby reducing the influence on the neighbour's property. In this regard, Staff supports the revised application for a zoning amendment to permit a Garden Suite on the subject land as a permanent second dwelling is no longer proposed.

### **Conclusion:**

The revised application appears to conform to the policies of the 2019 Growth Plan and to be consistent with the Provincial Policy Statement and generally conforms to the policies of the City of Kawartha Lakes Official Plan. The revised application has been reviewed in consideration of comments from the circulated agencies, relevant provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law. In consideration of the comments contained in this report, and provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report,

Staff respectfully recommends that the proposed revised rezoning application be referred to Council for Approval.

### **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'  
PLAN2019-049.pdf



Appendix 'B'  
PLAN2019-049.pdf



Appendix 'C'  
PLAN2019-049.pdf



Appendix 'D'  
PLAN2019-049.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photograph  
Appendix 'C' – Proposed Site Plan  
Appendix 'D' – Draft Zoning By-law

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-014

# Geographic Township of Fenelon

Lot 14

Concession 6

Lot 13

Country Lane

Concession 7

APPENDIX " A "  
to

REPORT PLAN 2019-049

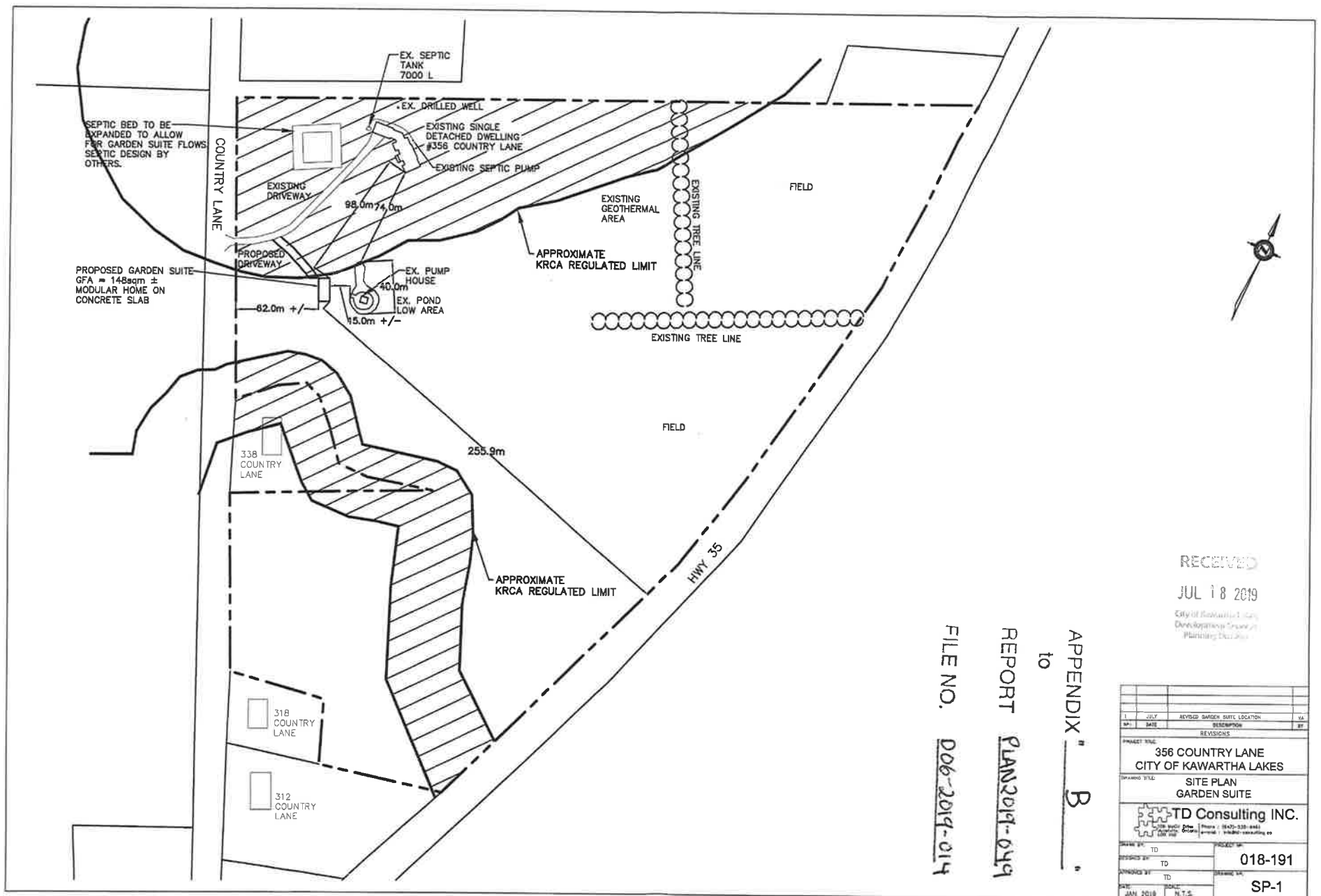
FILE NO. D06-2019-014

**SUBJECT  
LAND**

Lot 12

Highway 35

Lot 11







## 356 Country Lane, geographic Township of Fenelon



### Legend

- Wetlands
  - Locally Significant Wetlands
  - Provincially Significant Wetlands
  - Unevaluated Wetlands
- Water Body
  - Waterbodies
- Woodland
- Property ROLL#
- Property PIN#
- Lots and Concessions
- Road Centreline (2016 Needs)
- KRCA Regulated Areas

APPENDIX "C"  
to  
REPORT PLAN 2019-049  
FILE NO. 006-2019-014

### Notes

0.44

Kilometers



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

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2019-049**By-Law 2019 -**FILE NO. 006-2019-014**A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-014, Report PLAN2019-049, respecting Part Lot 12, Concession 7, geographic Township of Fenelon, identified as 356 Country Lane – Moore

**Recitals:**

1. Sections 34 and 39 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the temporary use of the land for a Garden Suite.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 12, Concession 7, geographic Township of Fenelon, City of Kawartha Lakes, and identified as 356 Country Lane.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Section 8.3:
  - "8.3.24 AGRICULTURAL EXCEPTION TWENTY-FOUR (A1-24) ZONE
    - 8.3.24.1 Notwithstanding the uses permitted in Section 8.1, on lands zoned A1-24, a garden suite is also permitted and is subject to the following provisions:
    - 8.3.24.2 A "Garden Suite" means a temporary, detached dwelling unit that is designed and constructed to be portable and is ancillary to an existing detached dwelling.
    - 8.3.24.3 A "Garden Suite" shall be connected to the existing water supply and sanitary sewage disposal system serving the principal dwelling and shall not exceed a gross floor area of 150 square metres and shall be permitted for a period of twenty (20) years commencing on the date that the A1-24 Zone is in effect."



- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the Agricultural (A1) Zone to the Agricultural Exception Twenty-Four (A1-24) Zone for the land referred to as 'A1-24', as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 39 of the Planning Act, R.S.O. 1990, c.P.13.
- 2.02 **Expiry Date:** This By-law shall expire on the \*\* day of \*\*\*, 2039, in accordance with the provisions of Section 39.1(4) of the Planning Act, R.S.O. 1990, c.P.13.

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

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

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

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

MAYOR \_\_\_\_\_

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

## Geographic Township of Fenelon

Lot 14

Concession 6

Lot 13

Concession 7

Country Lane

A1-24

Lot 12

Highway 35

Lot 11

Meeting No. PC2019-09
Date 9/11/2019
Item No. 3.4

**Planning Advisory Committee  
Public Meeting**

---

1. Subject:

**PLAN2019-050**

2. Initiated By:

**PLAN**

3. Referred By:

4. Decision Required:

David Harding, Planner II

An application to amend the Town of Lindsay Zoning By-law 2000-75 on lands described as Lots 8-23, 57M-802, former Town of Lindsay, identified as 97-129 Springdale Drive - Squires Built Homes Inc.

5. Documents attached:

- PLAN2019-050.docx
- PLAN2019-050 Appendix A.pdf
- PLAN2019-050 Appendix B.pdf
- PLAN2019-050 Appendix C.pdf
- PLAN2019-050 Appendix D.pdf

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-050**

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**Meeting Date:** September 11, 2019

**Place:** Council Chambers

**Public Meeting**

---

**Ward Number:** 5 - Lindsay

**Description:** An application to amend the Town of Lindsay Zoning By-law 2000-75 to change the zoning on lots from Residential One Special Seventeen (R1-S17) Zone to Residential One Special Twenty (R1-S20) Zone to permit decks that project up to 3.85 metres into the rear yard setback on walkout ravine lots on land described as Lots 8-23, 57M-802, former Town of Lindsay, City of Kawartha Lakes, identified as 97-129 Springdale Drive (Squires Built Homes Inc.)

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

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### **Recommendations:**

**That** Report PLAN2019-050, respecting Lots 8-23, 57M-802, former Town of Lindsay, City of Kawartha Lakes, identified as 97-129 Springdale Drive – Application D06-2019-019, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-019, substantially in the form attached as Appendix “D” to Report PLAN2019-050, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

On January 13, 2017, the Woods of Jennings Creek Phases 1N and 1S Subdivision Agreement (File D05-18-084) approved by Council was registered on the subject lands. Squires Built Homes Inc. has recently acquired lots 8-23 within the plan of subdivision from Dunster Investments Inc. and intends to build one dwelling on each of the lots.

Owner:	Squires Built Homes Inc.
Applicant:	Dave Squires, Squires Built Homes Inc.
Legal Description:	Lots 8-23, 57M-802, former Town of Lindsay, now City of Kawartha Lakes
Official Plan:	Residential within the Town of Lindsay Official Plan
Zone:	Residential One Special Seventeen (R1-S17) Zone in the Town of Lindsay Zoning By-law 2000-75, as amended
Site Size:	Approximately 0.846 hectares (8,461.98 square metres)
Site Servicing:	Municipal Sewer and Water Supply
Existing Uses:	Residential Land under Development
Adjacent Uses:	North, West: Residential South, East: Future Parkland, Jennings Creek

## **Rationale:**

Squires Built Homes Inc. has requested that the City consider a zoning by-law amendment to permit decks to be constructed on the main levels of dwellings on lots which abut the ravine. The sloping nature of the lots combined with the walkout basement design would not otherwise permit the construction of decks.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Relevant Policies: 2.2.1 Managing Growth, 2.2.1.2(d), 2.2.1.4

The Growth Plan (GP) provides that development is to be directed to settlement areas. A mix of housing options is encouraged to support the development of complete communities. The application conforms to the GP in that it is proposing to expand deck amenity space for the main levels of single detached dwellings.

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

Relevant Policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.6

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

This application proposes modifications to an approved greenfield subdivision proposal within the Lindsay Urban Settlement Area.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

Land Use Designation: Residential

Relevant Section: 4.1

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies. The subject lands are designated Residential within the Town of Lindsay Official Plan.

The designation anticipates that the predominant use within the Residential designation will be residential at a variety of densities. Some commercial, institutional and recreational uses are also anticipated within this designation to support the residential uses.

The subject lands are zoned to permit single detached dwellings. Single detached dwellings are considered a low density residential use.

The application conforms to the applicable policies of the Official Plan as deck projections to an anticipated low rise residential use are proposed.

While the Lindsay Secondary Plan (Secondary Plan) is appealed to the Local Planning Appeal Tribunal and is not in effect, conformity with this document will also be reviewed to determine whether the proposal is consistent with Council's direction for the area.

The subject lands are designated Parks and Open Space within the Secondary Plan. This designation anticipates that the lands will be used for active and passive recreational activities. It is anticipated that City staff will review the Secondary Plan's Land Use Schedule during the LPAT appeal process and will make adjustments to the Parks and Open Space designation boundary in response to the newly approved subdivision.

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

The subject lands are zoned Residential Special Seventeen (R1-S17) Zone in the Town of Lindsay Zoning By-Law 2000-75.

The R1-S17 Zone maintains all existing R1 Zone provisions except for lot coverage, which is set at 40%. The new Residential One Special Twenty Zone will maintain the increased maximum lot coverage and contain provisions to allow for higher decks to be constructed within the rear yard.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

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

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

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

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application would align with an exceptional quality of life as it enhances the functionality of proposed single detached dwellings within a new subdivision.

### **Servicing Comments:**

The lots are on municipal water and sewer services.

### **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Engineering and Corporate Assets Department and Enbridge Gas Inc. raised no concerns as a result of the circulation. No comments were received from the public.

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

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Town of Lindsay Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will enhance the functionality of the dwellings by providing deck amenity space at the rear of the main level. All other R1 and R1-S17 Zone provisions previously approved will be maintained as a result of this amendment. No adverse massing impacts are anticipated as a result of the increased deck projection into the rear yard as the lots abut a forested ravine, and the rear lot lines of other residential lots on the other side of the ravine are at least 70 metres away and are not visible through the trees.

### **Conclusion:**

The application conforms to and is consistent with the provincial policies concerning urban settlement areas. The application also conforms to the Residential designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments

received as of August 27, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

### **Attachments:**

#### **Appendix 'A' – Location Map**



Appendix A to  
PLAN2019-050.pdf

#### **Appendix 'B' – Aerial Photograph**



Appendix B to  
PLAN2019-050.pdf

#### **Appendix 'C' – Concept Sketch**



Appendix C to  
PLAN2019-050.pdf

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



Appendix D to  
PLAN2019-050.pdf

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-019

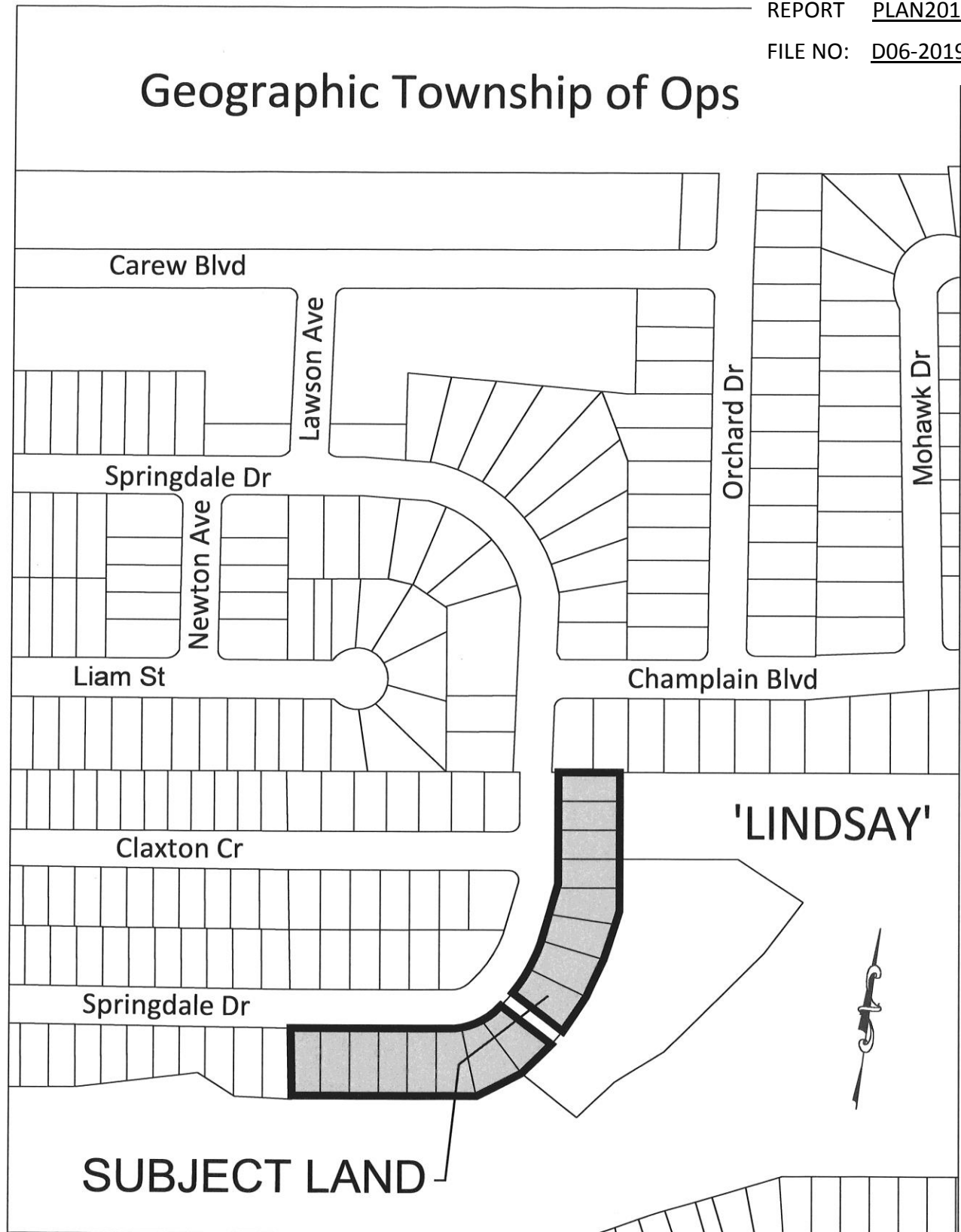


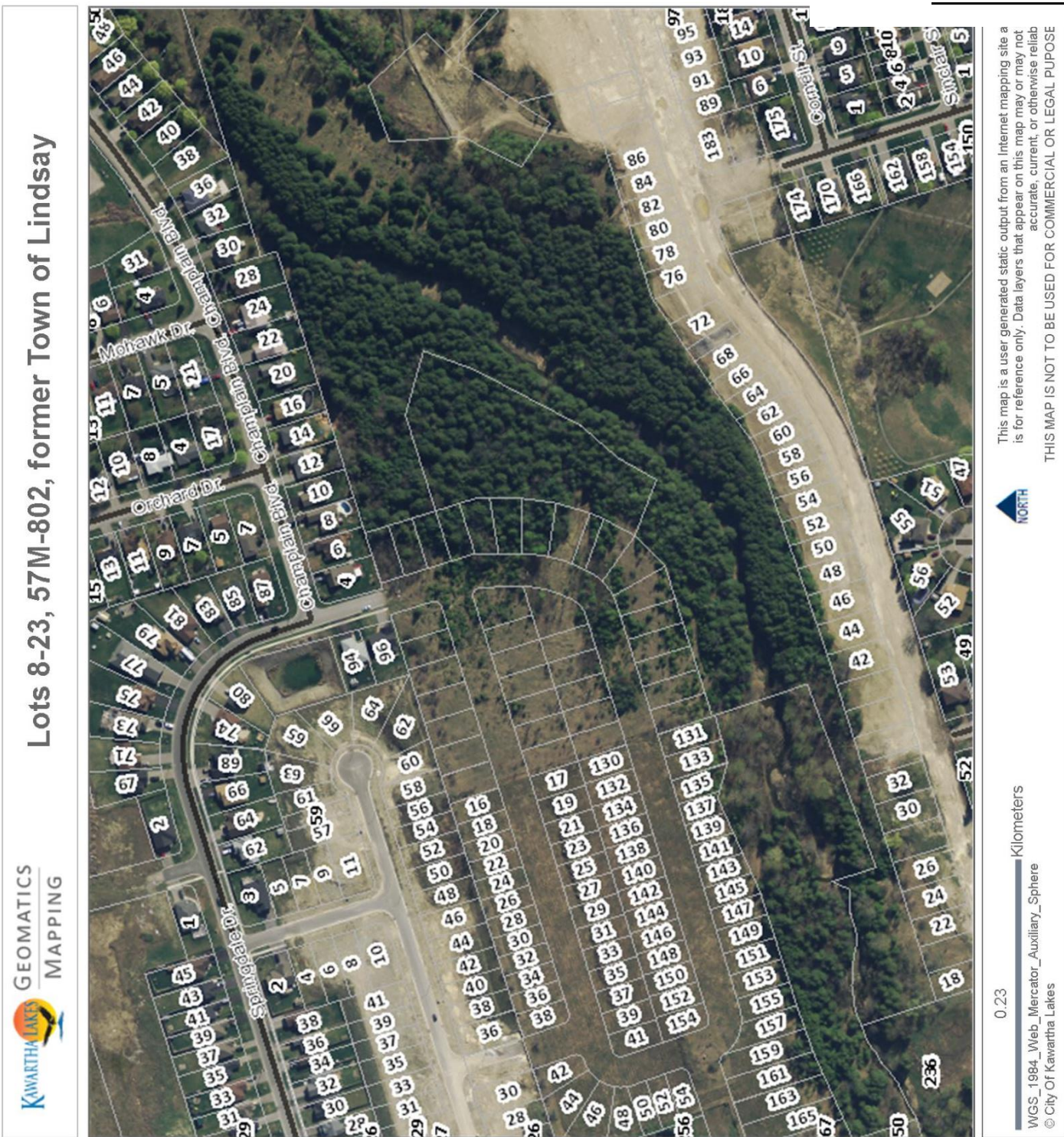
to

REPORT PLAN2019-050

FILE NO: D06-2019-019

## Geographic Township of Ops







to

FOR CONST

SITE PLAN REPORT PLAN2019-050

ON LOT 13 PLAN

CITY OF KAWA

FILE NO: D06-2019-019

SCALE 1 : 200

DISTANCES SHOWN ON ...  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

## LEGEND.

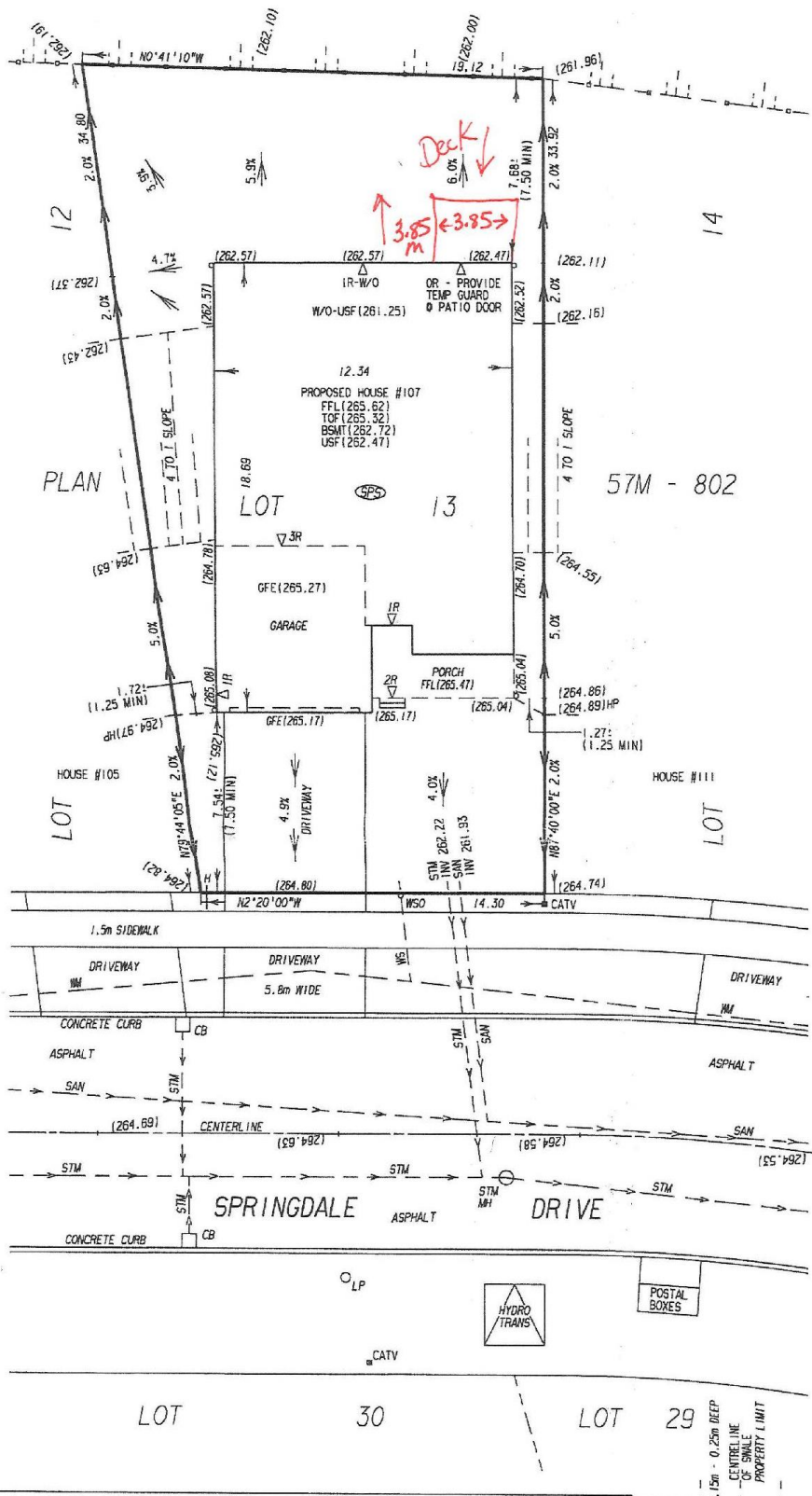
- 250.00 - DENOTES EXISTING ELEVATIONS.
- (250.00) - DENOTES PROPOSED ELEVATIONS.
- - - - - DIRECTION OF SURFACE FLOWS.
- - - - - DIRECTION OF SWALES.
- TR - DENOTES TREE.
- O - DENOTES ROOF LEADER LOCATION (OVERLAND FLOW).
- SW - DENOTES SWALE INVERT.
- FFL - DENOTES FINISHED FLOOR LEVEL.
- TOP - DENOTES TOP OF FOUNDATION WALL.
- BSMT - DENOTES FINISHED BASEMENT FLOOR LEVEL.
- USF - DENOTES UNDERSIDE OF FOOTING.
- BP - DENOTES BELL PEDESTAL.
- FH - DENOTES FIRE HYDRANT.
- VB - DENOTES VALVE BOX.
- WSO - DENOTES WATER STOP.
- WM - DENOTES WATERMAIN.
- SAN - DENOTES SANITARY.
- STM - DENOTES STORM.
- LP - DENOTES STREET LIGHT.
- CATV - DENOTES CABLE TV PEDESTAL.
- CICO - DENOTES CAST IRON CLEAN-OUT.
- HP - DENOTES HIGH POINT.
- \* - DENOTES ENGINEERED FILL.
- G - DENOTES GAS SERVICE.
- H - DENOTES HYDRO SERVICE.
- TS - DENOTES STREET SIGN.
- UBP - DENOTES UNDERGROUND BELL PEDESTAL.
- SPO - DENOTES SUMP PUMP OUTLET TO GRADE.
- WS - DENOTES WATER SERVICE.
- - - - - DENOTES 1.2m HIGH CHAIN LINK FENCE AS PER STD CKL 609.
- EX - DENOTES EXISTING.
- SPS - DENOTES SUMP PUMP OUTLET TO STORM SEWER (GOOSENECK TO BE HUNG TO JOIST).
- GFE - DENOTES GARAGE FLOOR ELEVATION.

## NOTES.

1. EXISTING ZONING: R1-517
2. LOT AREA = 570 SQ.M.
3. BUILDING AREA = 227.2 SQ.M.
4. LOT COVERAGE = 39.8% (40% MAXIMUM)
5. CKL BENCHMARK #35 BEING THE TOP OF A FIRE HYDRANT ON ANGELINE STREET - ELEVATION OF 271.21m.
6. SIDE YARD SWALES SHALL BE A MINIMUM OF 0.15m DEEP, WITH MAXIMUM 3:1 SIDE SLOPES.
7. SIDE YARD SWALES SHALL BE CONSTRUCTED CONTINUOUSLY ON THE PROPERTY LIMIT, UNLESS NOTED OTHERWISE.
8. BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES. IF MINIMUM DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT OWN EXPENSE.
9. BUILDER TO VERIFY SERVICE CONNECTION ELEVATIONS PRIOR TO CONSTRUCTING FOUNDATIONS.
10. A CAST IRON CLEAN OUT SHALL BE INSTALLED AT PROPERTY LINE. IT SHALL ALSO BE FITTED WITH A MANUFACTURED WATERTIGHT PLUG.
11. THE MAXIMUM SLOPE BETWEEN ALL TERRACES AND EMBANKMENTS SHALL BE 3:1.
12. THE SANITARY SEWER CLEAN-OUT WILL BE CAPPED WITH A CAST IRON LID.
13. THE WATER STOP SHALL BE BROUGHT TO FINAL GRADE AND BE LOCATED ON PROPERTY LINE.
14. FOR INSPECTION PURPOSES, WORKS AND ENGINEERING SHALL BE CONTACTED IN ADVANCE OF POURING CONCRETE SIDEWALK.
15. DRIVEWAY SHALL NOT BE USED AS AN OUTLET FOR ANY SIDEYARD SWALE.
16. BUILDER TO ENSURE 1.2m COVER ON ALL FOOTINGS.
17. FOOTINGS TO BEAR ON UNDISTURBED NATIVE SOIL.
18. UNDERSIDE OF FOOTING MAY BE LOWER THAN ELEVATION NOTED DUE TO EXISTING CONDITIONS. EXACT DEPTH OF FOOTING TO BE DETERMINED ON SITE DURING EXCAVATION FOR FOOTING.
19. FOR LOTS WITH RLCB, BUILDER MUST VERIFY PRIOR TO POURING FOOTINGS, THE AS-BUILT INVERT ELEVATION OF STORM LEADS ALIGNED ADJACENT TO THE HOUSE, WHERE REAR LOT CATCHBASINS ARE PROVIDED. HOUSE FOOTINGS ADJACENT TO THE RLCB LEAD MUST BE FOUNDED ON UNDISTURBED SOIL, AS PER THE BUILDINGS GEOTECHNICAL CONSULTANT'S RECOMMENDATION.
20. UNDERSIDE OF FOOTING MAY BE LOWER THAN ELEVATION NOTED DUE TO EXISTING CONDITIONS. EXACT DEPTH OF FOOTING TO BE DETERMINED ON SITE DURING EXCAVATION FOR FOOTING.

## GENERAL NOTES.

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR DRAIN TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LAID ON SURFACE WATER DOES NOT ENTER ANY WATERCOURSES OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OVERBUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIM GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL CONCRETE AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ON TO A SPLASH PAD OR APPROVED EQUIVALENT.
5. SUMP PUMP DISCHARGE POINTS MUST BE INSTALLED WITHIN PRIVATE PROPERTY. THE OVERBUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVICING LOCATES PRIOR TO ANY WORKS.
6. ALL DISTURBED AREAS ARE TO BE SOOLED OR SEEDED OVER A MINIMUM OF 150mm OF TOPSOIL OR APPROVED EQUIVALENT.
7. THE OVERBUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
8. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN FINAL GRADE AND TOP OF FOUNDATION WALL.
9. A COPY OF THE (REVIEWED BY ENGINEERING) LOT GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.

PLAN  
BLOCK57M - 802  
99

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

to

REPORT PLAN2019-050**By-Law 2019 -**FILE NO: D06-2019-019**A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75  
To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-019, Report PLAN2019-050, respecting Lots 8-23, Registered Plan 57M-802, former Town of Lindsay, identified as 97-129 Springdale Drive, Squires Built Homes Inc.

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to permit decks above walkout basements to project into the rear yard setback on the subject lands.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the 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 Lots 8-23, Registered Plan 57M-802, former Town of Lindsay, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 6.3:

**“6.3.25 R1-S20 Zone**

Notwithstanding Subsections 6.2 (h) and 5.24, on land zoned R1-S20 the following requirements shall apply:

- i) The maximum lot coverage for all buildings shall be 40%; and
- ii) An open deck and or steps with a maximum height of 4.3 metres may extend a distance of not more the 3.85 metres into the rear yard setback.

All other requirements of the R1 Zone and the By-law continue to apply.

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the Residential One Special Seventeen (R1-S17) Zone to Residential One Special Twenty (R1-S20) Zone for the land referred to as ‘R1-S20’, as shown on Schedule ‘A’ attached to this By-law.

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

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

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

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

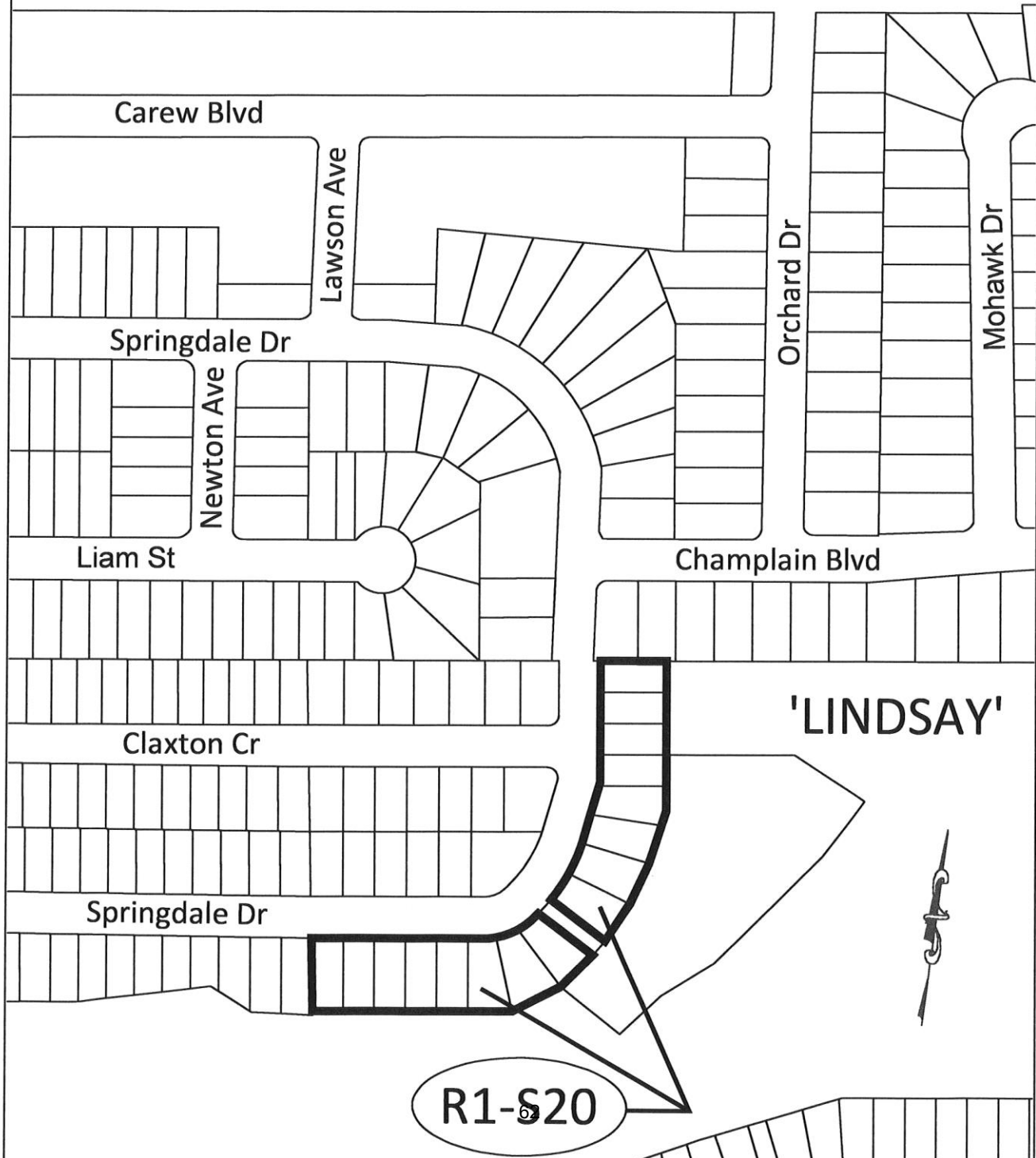
# KAWARTHA LAKES

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

MAYOR \_\_\_\_\_

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

## Geographic Township of Ops



Meeting No. PC2019-09
Date 9/11/2019
Item No. 3.5

**Planning Advisory Committee  
Public Meeting**

---

1. Subject:

**PLAN2019-051**

2. Initiated By:

**PLAN**

3. Referred By:

4. Decision Required:

Mark LaHay, Planner II

Applications for Official Plan and Zoning By-law Amendments on lands described as Part Lot 21,  
Concession 13, Geographic Township of Manvers, identified as 344 Old Mill Road - Riwoche Society

5. Documents attached:

- PLAN2019-051.docx
- PLAN2019-051 Appendix A.pdf
- PLAN2019-051 Appendix B.pdf
- PLAN2019-051 Appendix C.pdf

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-051**

---

**Meeting Date:** September 11, 2019

### **Public Meeting**

**Description:** Applications for Official Plan and Zoning By-law Amendment to permit a religious educational centre and place of worship on a portion of the property described as Part Lot 21, Concession 13, geographic Township of Manvers, now City of Kawartha Lakes and municipally known as 344 Old Mill Road. (Riwoche Society)

**Ward Number:** 8 - Manvers

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

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### **Recommendations:**

**That** Report PLAN2019-051, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035, be received; and

**That** the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments and any public comments and concerns have been addressed.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The initial statutory public meeting was held by the Planning Advisory Committee on December 7, 2016, which adopted the following recommendation:

### **PC2016-042**

**Moved By** Councillor Stauble

**Seconded By** Councillor Macklem

**Resolved That** Report PLAN2016-078, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035; be received;

**That** the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments; and

**That** upon receipt of all comments from circulated Agencies and City Departments a continuation of the Statutory Public Meeting be held.

**Carried**

At the Council Meeting of December 13, 2016, Council adopted the following resolution:

### **CR2016-1277**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor James

**Resolved That** the Minutes of the December 7, 2016 Planning Committee Meeting be received and the recommendations be adopted.

**Carried**

This report addresses that direction.

A revised proposal has been submitted for consideration. The proposal is to permit a two phase development on the land which will now include a smaller 550 sq. m. religious educational centre, compared to the previous 1,145 sq. m. proposal, with fewer rooms for accommodation (15 vs. 25) and 5 private cabins in the first phase and a 363 sq. m. place of worship (Temple) in the second phase. The area of the phased development represents approximately one third of the 40.5 ha. land while the balance of the land will be used for agricultural pursuits. See Appendix "A" and "B" attached.

Owner: Riwoche Society

Applicant: EcoVue Consulting Services Inc.

Legal Description: Part Lot 21, Concession 13, geographic Township of Manvers, now City of Kawartha Lakes.

Official Plan: Designated Rural and Environmental Protection on Schedule "A-1" of the City of Kawartha Lakes Official Plan.

Zone: Rural General (A1) on Schedule "A" of the Township of Manvers Zoning By-law No. 87-06

Total Area: 40.5 ha. Total Area of Phased Development: 13.0 ha. (Approx.)

Site Servicing: Individual well(s) and private sewage disposal system(s) for the phased development which will include approvals from the Health Unit in accordance with O.Reg 318/08 for small drinking water systems and from the City's Building Division, Part 8 Sewage Systems for systems less than 10,000 L/day

Existing Use: Residential/Rural and Woodland

Adjacent Uses: Large rural parcels of land including agricultural operations primarily to the west and northeast, rural residential uses and woodland/wetland areas primarily to the south and east.

## **Rationale:**

The subject property is located on the east side of Old Mill Road, north of Pigeon Creek Road and consists of 40.5 ha. of land. The site is developed with a single detached dwelling, a garage with kitchen and bathroom facilities and several small sleeping cabins. The land is owned by the Riwoche Society which is a Buddhist Society that traces its lineage back nearly 800 years to the Riwoche Temple in the eastern region of Tibet. The applicants currently worship and study at the Riwoche Temple in Toronto. The applicants have chosen the subject property as it is a large property in a natural setting for quiet reflection and education in the Buddhist faith. There is a drumlin located on the north east side of the property which is 295 metres above sea level and represents a suitable location for a temple. The owners intend to use the balance of the land to grow crops, including Tibetan barley, which will be used for food at the educational centre. The applicants propose to develop the land in two phases as follows:

The first phase consists of construction of the main 550 sq. m. educational centre, parking area and associated private services (i.e. septic system and well). The main building will be located adjacent to Old Mill Road and will include approximately 15 rooms for overnight accommodation, a multi-purpose room for meditation and yoga, and a dining area. Food will be prepared in the existing dwelling and served in the dining area of the educational centre. There are also 5 separate private cabins intended to be used for overnight accommodation.

The second phase consists of construction of a 363 sq. m. temple on the hill in the northeast section of the property. An internal gravel road will be constructed from the educational centre to the temple. The temple will include washroom facilities, six (6) lodging rooms and a library, and will be serviced by a separate individual well and septic system. Limited parking will be available at the temple.

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

1. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated August 15, 2016, illustrating proposed layout.
2. Planning Justification Report to support the proposal prepared by EcoVue Consulting Services Inc. and dated August 24, 2016 (Growth Plan Addendum dated August 29, 2019). The report justifies the development proposal under current provincial legislation and municipal planning framework.
3. Servicing Reports consisting of:
  - a. Functional Servicing Report prepared by EcoVue Consulting Services Inc. and dated August, 2016 which provides a preliminary engineering analysis of the development proposal with respect to water supply assessment and distribution, sewage treatment and disposal, parking lot and roadway construction, erosion and sediment control measures and preliminary stormwater management. The report concludes that preliminary studies undertaken support that the proposed development can be adequately serviced with respect to the above.
  - b. Scoped Hydrogeological Investigation, Nitrate/Phosphate Assessment, and Soil Capability Assessments prepared by WSP Canada Inc. and dated April, 2016 which provides an analysis of the soils on the subject property and examines the impact from the development on the ground and surface water. The reports conclude that the site is capable of supporting the proposed use, in terms of water supply, sewage disposal requirements and soil suitability for construction. The report identifies that the water supply for the site will be classified as a small drinking water system under O. Reg. 318/08 and will be approved by the local Health Unit. The proposed septic system will have an effluent flow rate less than 10,000 L/day and the sewage system design will fall under the jurisdiction of the Part 8 Sewage System Division of the City of Kawartha Lakes. The report also identifies that the future Temple construction and additional accommodation will be serviced by a new drilled well and separate sewage disposal system.
  - c. Stormwater Management Report prepared by Engage Engineering Ltd. and dated August 22, 2016 which provides that the development of the site will result in an increase in peak runoff from the site; therefore quantity control is required pre-development to post-development. A

grassed detention basin is proposed for the site which will outlet to the existing pond west of the basin.

4. Traffic Brief prepared by Tranplan Associates and dated March, 2016. The study evaluates the potential traffic impacts of the proposed development along with site entrance requirements. The study concludes that the south site entrance to Old Mill Road will provide good access and no additional municipal road improvements will be required to support the educational centre. However, the report recognizes that the site frontage will have to accommodate buses, municipal service vehicles and EMS vehicles and identifies that this section of Old Mill Road should be reviewed against current City of Kawartha Lakes standards to assess the need for any improvements to the present road platform.
5. Revised Functional Stormwater Management Report prepared by Engage Engineering Ltd. and dated March 14, 2019 which provides that the development of the site will result in an increase in peak runoff from the site; therefore quantity control is required pre-development to post-development. A grassed detention basin is proposed for the site for required quantity and quality control, which will outlet to the existing pond west of the basin.
6. Geotechnical Test Pit Investigation prepared by WSP Canada Inc. and dated January 2019 provides recommendations for the proposed site entrance and for upgrading the road for the proposed use, including design standards for the roadway structure, widening with respect to ditch improvements and construction limitations.
7. Addendum Traffic Letter prepared by Tranplan Associates and dated August 8, 2018. The letter analyses future site trip generation based on three different types of programs being planned being one-day, weekend and one-week programs. It takes into account the anticipated number of participants and their method of travel. The conclusion indicates the increase in site traffic will have no measurable impact on future traffic operations of adjacent roads and intersections.
8. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated January 18, 2019 illustrating proposed layout with a smaller 550 sq. m. education centre. See Appendix “C” attached.

All of the reports submitted have been circulated to the applicable Agencies and/or City Departments for review and comment. Staff is recommending that the applications be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments and the Planning Advisory Committee and the public have considered the revised proposal.

### **Applicable Provincial Policies:**

Staff has reviewed the Planning Justification Report prepared by EcoVue Consulting Services Inc. in support of the official plan and zoning by-law amendments. The report provides a review of the proposed development in the

context of the current provincial and municipal policy framework. Staff is accepting of the planning rationale contained in the report.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):**

The subject property is not located within a settlement area as defined in the 2019 Growth Plan. Section 2.2.1(d) states that development should be directed to settlement areas, except where the policies of this Plan permit otherwise. As such, the Rural Areas policies of Section 2.2.9 apply. The application conforms to the Growth Plan in that it does not detract from nor disrupt agricultural uses.

The proposed development depends on a rural setting. The large rural setting provides opportunity for quiet reflection and education in a natural setting. Development approvals are limited to a defined area with the balance of the land available for agricultural pursuits and growing barley for consumption at the educational centre. The natural resource of the large north east drumlin provides opportunity to construct a temple which is considered a benefit to the faith.

This revised application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts. In addition, the relevant policies of Section 4 have been considered pertaining to key hydrologic features (wetlands) and cultural heritage resources. The proposed development is well beyond 120 metres of wetland features and not within 300 metres of a navigable water body that would require an archeological assessment.

Based on the information submitted, the revised application appears to conform to the 2019 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 acknowledges that rural areas are important to the economic success of the Province and quality of life. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. The applications are consistent with the PPS through the following prescribed sections:

Section 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

b) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and

c) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets.

Section 1.1.5.2 states that on rural lands located in municipalities, permitted uses include resource-based recreational uses. Recreation, as defined in the PPS includes leisure time activity undertaken in built or natural settings for the purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential. The proposed religious educational centre and temple development is a resource-based recreational use that takes advantage of the natural features of the area, vistas and landscape to offer opportunity for quiet reflection, meditation, personal enjoyment and positive social interaction.

Section 1.6.6.4 states that where municipal sewage and water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long term provisions of such services with no negative impacts. The Functional Servicing and Preliminary Stormwater Management Report prepared by EcoVue Consulting Services Inc. and Engage Engineering Ltd. and the Hydrogeological and Geotechnical Investigation prepared by WSP Canada Inc. are the appropriate supporting studies for the development proposal.

Section 2.1 Natural Heritage identifies that natural features and areas shall be protected for the long term and that development and site alteration shall not be permitted within significant wetlands, woodlands and valleylands, significant wildlife habitat, ANSIs, fish habitat or habitats of endangered species and threatened species. There are Provincially Significant Wetlands (PSW) located to the north (Pigeon River No. 20 PSW) and south (Pigeon River No. 23 PSW) of the subject property. Pigeon River No. 23 PSW is located along the southern limit; however, the proposed development is well beyond the limits and buffer area of the PSW. Through the City's pre-consultation process, KRCA determined that an Environmental Impact Study (EIS) would not be required.

Finally, Section 2.3 Agriculture protects for the long-term use of agriculture. Specifically, Section 2.3.3.3 states that new land uses shall comply with the minimum distance separation formulae. The applicant conducted a preliminary review of livestock facilities as per Guideline 5 of the MDS Implementation Guidelines and determined that none of the three (3) encompassing livestock facilities were large enough to generate setback arcs beyond 500 metres.

## **Official Plan Conformity:**

The land is designated “Rural” and “Environmental Protection” on Schedule “A-1” of the City of Kawartha Lakes Official Plan (OP). The educational centre and place of worship (temple) are generally uses permitted in Hamlet Settlement Areas in the OP. As the OP does not speak to institutional uses or places of worship within rural areas, an amendment to the City's OP is required to permit the use and it is necessary to demonstrate that the use is consistent with the goals and objectives of the Rural designation.

Section 16.1 states the Goals of the Rural designation as follows:

- 1) To promote 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.

Section 16.2 states that the Objectives of the Rural designation as follows:

- a) Protect agricultural lands from non-farm activities and ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas.
- b) To protect and strengthen the agricultural community while permitting uses that would support the agricultural community and would not conflict with them.
- c) Support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.
- d) Recognize farming as a vital participant in the protection of the environment and encourage sustainable farming practices.
- e) Encourage agriculture-related businesses on farms to strengthen the viability of the agricultural industry sector and minimize severances for non-agricultural activities.
- f) Support the advancement of agricultural production and management.
- g) Provide for the wise use and management of resources and resource based recreational activities.

Final OP conformity will be determined once all agency and public comments have been received.

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

The land is zoned Rural General (A1) in the Township of Manvers Zoning By-law No. 87-06. The application proposes to rezone a portion of the property to Rural

General Exception \*\* (A1-\*\*) to permit the religious educational use and a place of worship (Temple). The Exception Zone will also address any additional ancillary uses and/or site specific development standards, if required. The applicant acknowledges that the development proposal will maintain the provisions of the Zoning By-law with respect to setbacks and lot coverage; however, the parking provisions will be revisited as the various background studies submitted in support of the proposed development suggest additional uses might occur including religious day camps during the summer months and the use of buses. Staff will take the opportunity to further review the parking requirements for the facility.

### **Other Alternatives Considered:**

No other alternatives were considered at this time other than the previous proposal that included a larger 1,145 sq. m. religious education centre.

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

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

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

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the exceptional quality of life and healthy environment goals as the proposal permits opportunity for citizens and those visiting the City to gather for religious educational pursuits, meditation, yoga, worship and social situations. The balance of the property will be cultivated and cropped for consumption by the participants at the education centre.

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

The accessibility standards established in 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:**

The Functional Servicing Report and the Hydrogeological and Geotechnical Assessments were circulated to the City's Engineering and Corporate Assets Department, Building Division and KRCA for review and comment. These departments and agencies will continue to contribute to the development process through the site plan approval process.

## **Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act and a statutory Public Meeting was held on December 7, 2016. As of the writing of this report, the following comments have been received:

### **Public Comments (Previous proposal):**

Comments were received from a number of property owners expressing various concerns with the applications. These concerns related mainly to increased traffic, noise, dust, the quality of the road, road flooding, future uses and numbers of attendees, other temple locations, well monitoring, economic benefit, septic requirements, emergency services access and impacts on significant woodlands.

### **Public Comments (Revised proposal):**

Three area property owners inquired as to the nature of the revised proposal.

### **Agency Review Comments (Previous proposal):**

November 17, 2016 - Building Division advises that change of use permits will be required for the existing buildings on the assumption that they will evolve to another use than the existing residential and agricultural use.

November 23, 2016 – Engineering and Corporate Assets indicates that while they have no objection to the proposed Official Plan and Zoning By-Law Amendments, they require confirmation that the proponent will address the following items through a subsequent submission:

- Proposed road improvements (width, depth, drainage, surface, signage, etc. to meet City Standards) required to Old Mill Road to meet the traffic projections and vehicle types (individual vehicles versus buses) for the project.
- Confirmation of numbers of attendees/participants (various numbers are listed in various reports) to ensure traffic projections and parking.
- All parking and building areas proposed on site (impervious – hard surface areas, including gravel) must be clearly outlined to ensure the stormwater management design confirms there is no impact to the surrounding lands.

November 25, 2016 - Economic Development advises of the following:

- The proposed development has the potential to positively impact economic growth and employment opportunities throughout the region by supporting the growth of the cultural sector and the development of

compelling visitor experiences in Kawartha Lakes that will drive tourism growth and increased tourist spending.

- Current proposal has minimal impact to agricultural production due to the nature of rural lands. The growing of non-traditional crops is encouraged.

November 29, 2016 – the Chippewas of Rama First Nation acknowledge receipt and review of the Notice for the proposed applications, which was shared with their Council and forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator for any necessary action, if required.

December 5, 2016 - Building Division Part 8 Sewage Systems is requesting a further review including a business plan including accessory events.

December 6 & 7, 2016 - Kawartha Conservation commented that setbacks are appropriate for the natural heritage features and they have no concerns with the applications.

### **Agency Review Comments (Revised proposal):**

On July 10, 2019, the Building Division advised they have no concerns with the applications.

On July 12, 2019, the Community Services Department advised that they have no comments or concerns with respect to these applications.

On July 25, 2019, the Engineering and Corporate Assets Department advised from an engineering perspective, they have no objection to the proposed Official Plan Amendment and Zoning By-Law Amendment to permit a religious educational centre with accommodation and a place of worship. Detailed Engineering review and comments will be provided at the time of site plan approval.

On August 22, 2019, the Engineering and Corporate Assets Department advised that further to their review of the notice for the proposed Official Plan Amendment and Zoning By-Law Amendment for 344 Old Mill Road, they confirm that they have no engineering requirements for the proposed applications.

On August 23, 2019, the Building Division – Part 8 Sewage Systems Program advised that the property is being proposed to be serviced with on-site sewage disposal facilities. Currently there are 2 structures with on-site sewage disposal systems on the property. The area of the application represents 40.5 hectares of land. This area would be large enough to accommodate on-site disposal systems to service the proposal. During the building/sewage system permitting process, further evaluation will be completed to determine if the proposal will fall into the jurisdiction of the City of Kawartha Lakes Sewage Program. At this time, the Building Division – Sewage System Program has no objection to the proposal.

On August 26, 2019, Enbridge Gas advised they have no objection to the proposed applications.

On August 30, 2019, Kawartha Conservation advised they require a phosphorus budget. A net zero increase in phosphorus is the objective when developing the

phosphorus budget. In addition, given the steep terrain of the subject site, Kawartha Conservation made recommendations with respect to erosion and sediment control incorporating upgraded silt, erosion and soil protection measures.

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

The appropriate background studies have been submitted to support the applications for official plan and zoning by-law amendment. These reports and background studies have been circulated to the appropriate Agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff for further review and processing until such time as all comments have been received from all circulated Agencies and City Departments and the Planning Advisory Committee and the Public and any comments or 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'  
PLAN2019-051.pdf



Appendix 'B'  
PLAN2019-051.pdf



Appendix 'C'  
PLAN2019-051.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photograph  
Appendix 'C' – Revised Proposed Concept Plan

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

**Department Head:** Chris Marshall

**Department File:** D01-16-007 and D06-16-035

# Geographic Township of Manvers

CON. 14

Old Mill Rd

CON. 13

**SUBJECT  
LAND**

APPENDIX " A "

to

REPORT PLAN2019-051

FILE NO. 001-16-007  
006-16-035

Lot 20

Old Mill Rd

Lot 21

Lot 22

Pigeon Creek Rd





## 344 Old Mill Road, geographic Township of Manvers



### Legend

#### Wetlands

- Locally Significant Wetlands
- Provincially Significant Wetlands

#### Water Body

- Waterbodies
- Unevaluated Wetlands

- Woodland
- Property ROLL#
- Lots and Concessions
- Road Centreline (2016 Needs)
- Upper Municipalities
- Lower Tier Municipalities
- KRCA Regulated Areas

APPENDIX "B"  
to  
REPORT PLAN 2019-051  
FILE NO. D01-16-007  
006-16-035

### Notes

0.46

Kilometers

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



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