

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

## **AMENDED AGENDA**

### **PLANNING ADVISORY COMMITTEE MEETING**

**PC2017-09**

**Wednesday, September 13, 2017**

**1:00 P.M.**

**Council Chambers**

**City Hall**

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

#### **MEMBERS:**

**Mayor Andy Letham**

**Councillor Brian Junkin**

**Councillor Rob Macklem**

**Councillor Gord Miller**

**Councillor Patrick O'Reilly**

**Councillor Heather Stauble**

**Councillor Andrew Veale**

**Mike Barkwell**

**Debbie Girard**

Accessible formats and communication supports are available upon request.

1.	<b><u>CALL TO ORDER AND ADOPTION OF AGENDA</u></b>	
2.	<b><u>DECLARATIONS OF PECUNIARY INTEREST</u></b>	
3.	<b><u>PUBLIC MEETING</u></b>	
3.1	PLAN2017-052	3 - 11
	An application to amend the Township of Verulam Zoning By-law to change the zone category from the Open Space (OS) Zone to the Residential Type One (R1) Zone to permit a single detached dwelling and accessory uses for the property identified as Vacant Land on North Bayou Road, Verulam (Boehm)	
3.2	PLAN2017-053	12 - 23
	An application to amend the Town of Lindsay Zoning By-law to change the zone category from the Future Residential (FR) Zone to the Residential High Rise One Special Nine (RH1-S9) Zone to allow for a five (5) storey Independent Senior's Apartment Building on the eastern portion of the property identified as 84 Adelaide Street South, Lindsay (Lindsay Retirement Home GP Ltd.)	
3.3	PLAN2017-056	24 - 36
	An application to amend the Village of Bobcaygeon Zoning By-law to permit a townhouse dwelling containing four (4) dwelling units for the property identified as 25 Prince Street West, Bobcaygeon (Sweeney)	
4.	<b><u>BUSINESS ARISING FROM PUBLIC MEETING</u></b>	
5.	<b><u>DEPUTATIONS</u></b>	
6.	<b><u>CORRESPONDENCE</u></b>	
6.1	PC2017-09.6.1	37 - 78
	Sherry L. Rea, Development Planning Supervisor Memorandum regarding the OMB Correspondence regarding O.Reg 549/06 Part Lots 4 and 5, Concession 2, geographic Township of Emily, City of Kawartha Lakes, being vacant land on Ski Hill Road Sobrian/Kiezebrink/Chamberlain (Omeme Country Inn)	
7.	<b><u>CITY OF KAWARTHA LAKES REPORTS</u></b>	
8.	<b><u>ADJOURNMENT</u></b>	

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-052**

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**Date:** September 13, 2017

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: Ward 7 – Verulam**

**Subject:** An application to amend the Township of Verulam Zoning By-law to change the zone category from the Open Space (OS) Zone to the Residential Type One (R1) Zone to permit a single detached dwelling and accessory uses for the property identified as Vacant Land on North Bayou Road, Verulam (Boehm)

**Author and Title: Ian Walker, Planning Officer – Large Developments**

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2017-052, **Plan 551 Lot 63, Concession 2 Part of Lot 13, Geographic Township of Verulam, “Boehm – Application D06-17-024**, be received; and

**THAT** Report PLAN2017-052 respecting Application D06-17-024 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.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Open Space (OS) Zone” to the “Residential Type One (R1) Zone”. The “OS” zone permits agricultural or forestry uses; a public park; or public use. The “R1” zone permits a single detached dwelling; a seasonal dwelling; a home occupation; and a neighbourhood park or parkette. The site is currently vacant, and the intent of the change is to facilitate the construction of a single family dwelling on the lot. As such, a rezoning is required.

Owner:	Dennis Boehm
Applicant:	Kent Randall – EcoVue Consulting Services Inc.
Legal Description:	Plan 551, Lot 63, Concession 2, Part of Lot 13, geographic Township of Verulam
Designation:	“Waterfront”, City of Kawartha Lakes Official Plan
Zone:	“Open Space (OS) Zone” on Schedule ‘A’ of the Township of Verulam Zoning By-law No. 6-87
Lot Area:	2,169.2 sq. m. [7,840.8 sq. ft. – MPAC]
Site Servicing:	Currently none. Private individual on-site sewage disposal and well are required.
Existing Uses:	Vacant Land
Adjacent Uses:	North: North Bayou Road, Vacant Residential, Wetland East: North Bayou Road, Shoreline Residential, Wetland South: Shoreline Residential, Canal (Sturgeon Lake) West: Canal (Sturgeon Lake), Shoreline Residential

## Rationale:

The property is located on the south and west sides of North Bayou Road, to the east of Hickory Beach Road, along the shoreline of Sturgeon Lake to the east of Sturgeon Point. See Appendix ‘A’. According to the Municipal Property Assessment Corporation (MPAC) records, it is currently vacant, however the sketch shows an existing cottage to be removed, two (2) frame sheds, and a metal shed. The proposed development would remove the cottage and permit the construction of a new single detached dwelling on private services. See Appendix ‘B’.

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

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated January 17, 2017. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2006

Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Verulam Zoning By-law 6-87.

2. Concept Plan prepared by EcoVue Consulting Services Inc., dated April 27, 2017.
3. Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services, dated September 18, 2016. The report examines the soil for stratigraphy, cultural features, or evidence of fill.
4. Environmental Impact Study prepared by Cambium Inc., dated November 1, 2016. The report identifies and evaluates the proposal with respect to applicable natural heritage features, including species at risk and provides recommended mitigating measures that will permit the development to proceed.
5. Addendum to the Planning Justification Report prepared by EcoVue Consulting Services Inc., dated August 30, 2017. The addendum discusses and assesses the proposal in the context of the 2017 Growth Plan, which came into effect July 1, 2017.

Staff has reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received. Staff recommends that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

### **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. Full conformity will be established through the review of the application.

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

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

In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential

development, and other rural land uses. Development shall be directed in accordance with the policies of Section 2 and 3 of the PPS. An Environmental Impact Study (EIS) has been submitted which has been circulated to Kawartha Region Conservation Authority (KRCA) for review and comment. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions.

Full conformity will be established through the review of the application.

### **Official Plan Conformity:**

The lot is designated “Waterfront” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan (OP). Portions of the abutting properties have been identified as “Provincially Significant Wetlands” on Schedule ‘B-5’ of the OP. Permitted uses in the “Waterfront” designation include single detached dwellings and accessory uses. Section 3.11 of the OP requires that new development achieve a minimum 30 metre setback from the high water mark to be maintained in its natural state with no disturbance of the vegetation and soils, with the exception of a boathouse and dock in the 30 metre setback. This is an existing lot of record which has sufficient area to accommodate this setback. Therefore, the zoning by-law amendment should include a 30 metre water setback, in accordance with the OP.

Conformity with the OP will be established through a full review of the application.

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

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned “Open Space (OS) Zone” in the Township of Verulam Zoning By-law 6-87. The proposed change would implement the “Residential Type One (R1) Zone” provisions and uses. The purpose is to allow a single detached dwelling as a permitted use on the property. Due to the unique circumstances of this property, a site-specific exception zone may be required. Further analysis will determine if the “R1” zone is appropriate, or whether a “Limited Service Residential (LSR) Zone” may be more appropriate.

As noted in the OP comments above, this is an existing lot of record which can achieve a minimum 30 metre setback to the high water mark. The proposed concept plan respects these 30 metre setbacks; however staff would consider that the zoning amendment should incorporate the 30 metre water setback. An exception zone would be appropriate to capture any minimum or maximum development standards which are different than those in the zone for which they are proposed. Zoning By-law compliance will be established through a full review of the application.

## **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 amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

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

## **Servicing Comments:**

The lot will be serviced by a private individual well and on-site septic system.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. As of August 30, 2017, we have received the following comments:

### Agency Review & Public Comments:

August 24, 2017 –The Engineering and Corporate Assets Department confirms it has no objection to this application.

August 28, 2017 – Dawn Waterson advised by phone that she does not have concerns with this lot, as it does not abut her property and/or affect drainage on her property.

August 29, 2017 – Gaetano Sicilia advised by email that himself; Mr. and Mrs. Tarantino; and Ms. Monteleone are in unanimous support of this application.

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

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend

that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## **Conclusion:**

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

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-052  
Appendix A.pdf

Appendix 'B' – Concept Plan – dated April 27, 2017



PLAN2017-052  
Appendix B.pdf

Appendix 'C' – Aerial Photo with Natural Heritage Features Overlay



PLAN2017-052  
Appendix C.pdf

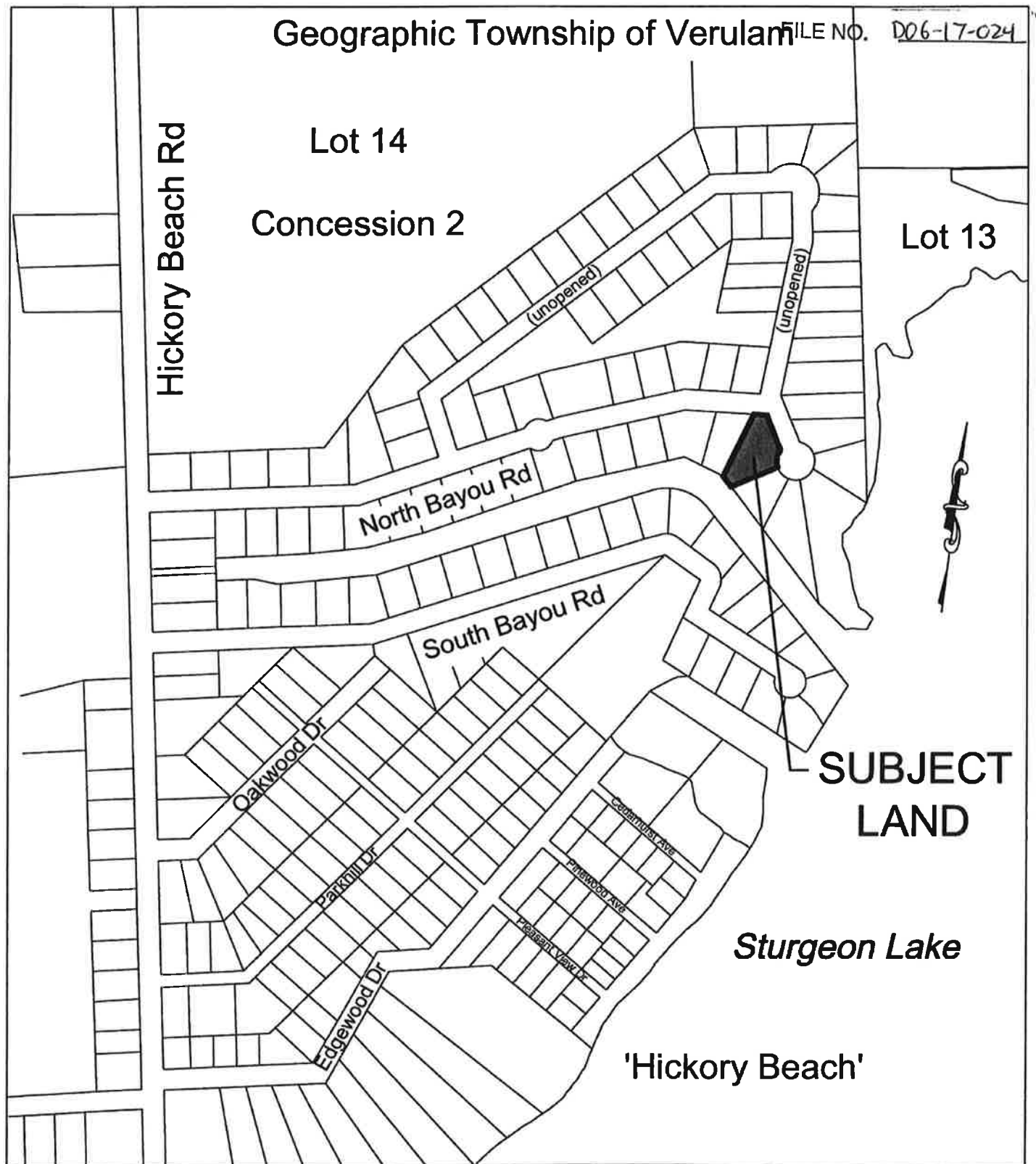
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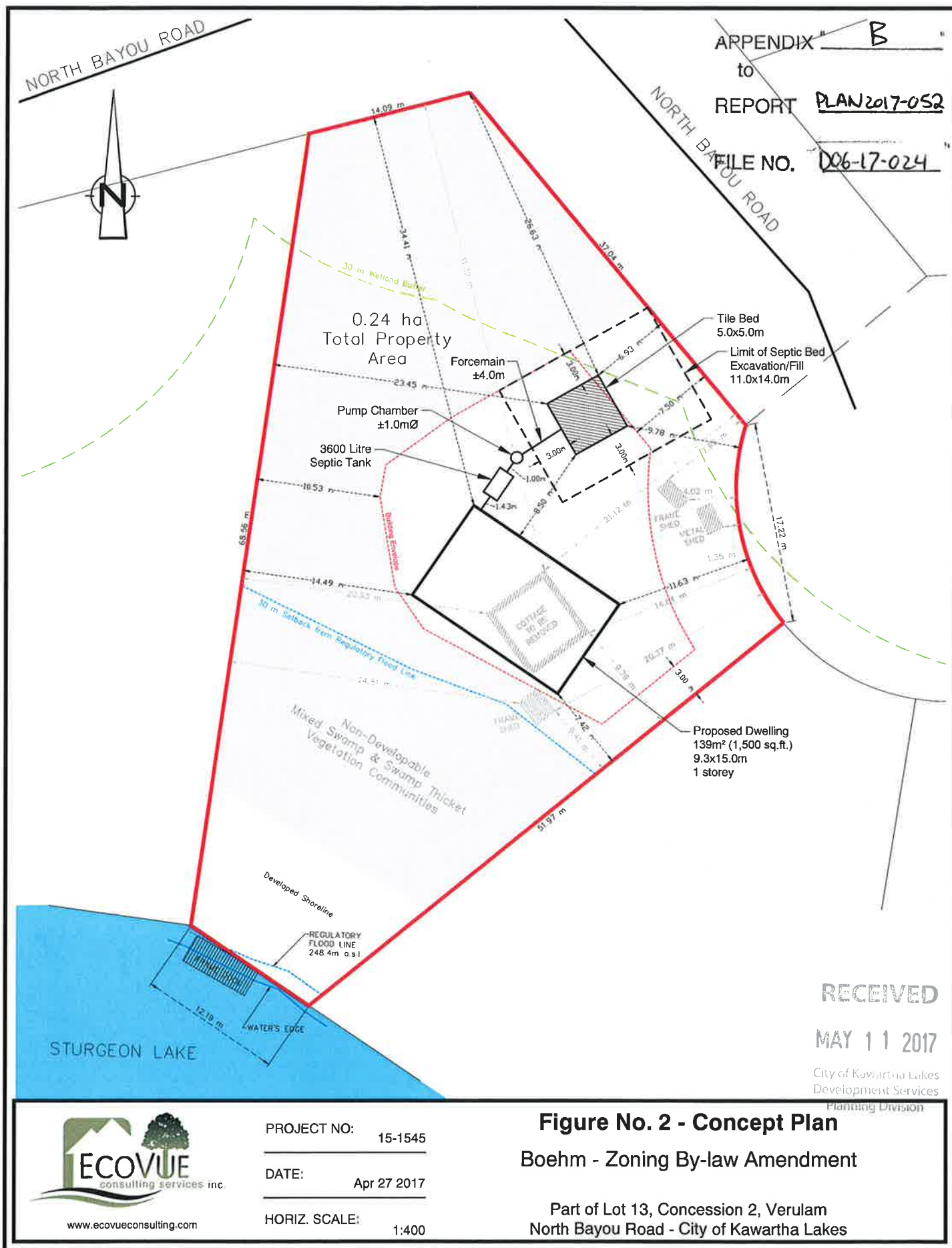
**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

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

**Department File:** D06-17-024







# Plan 551 Lot 63 - North Bayou Road, Geographic Township of Verulam



## Legend

- == Road Centreline
- Property ROLL#
- Petroleum Well
- Alvars
- Deer Wintering Area
- ANSI
- Wetlands
  - Locally Significant Wetlands
  - Provincially Significant Wetlands
- Water Body
- Waterbodies
- Unevaluated Wetlands
- Woodland

APPENDIX " C "

to

REPORT PLAN2017-052

FILE NO. D06-17-024

## Notes

Natural Heritage Features

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

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



0.10 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-053**

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**Date:** September 13, 2017

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: Ward 11 – Lindsay**

**Subject:** An application to amend the Town of Lindsay Zoning By-law to change the zone category from the Future Residential (FR) Zone to the Residential High Rise One Special Nine (RH1-S9) Zone to allow for a five (5) storey Independent Senior's Apartment Building on the eastern portion of the property identified as 84 Adelaide Street South, Lindsay (Lindsay Retirement Home GP Ltd.)

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**Author and Title: Ian Walker, Planning Officer – Large Developments**

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2017-053, **Plan 8P, Part of Park Lot K, 57R-7336, Part of Part 1, Former Town of Lindsay, "Lindsay Retirement Home GP Ltd. – Application D06-17-025**, be received; and

**THAT** Report PLAN2017-053 respecting Application D06-17-025 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.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Future Residential (FR) Zone” to the “Residential High Rise One Special Nine (RH1-S9) Zone” on the eastern portion of this property. The intent of the change is to facilitate the construction of a 90 unit five (5) storey independent senior’s residential apartment building on the portion of the property subject to this application. The “FR” zone only permits agricultural uses, public utilities, and existing legal uses as of the date of passing of the By-law. The “RH1-S9” zone is specific to the western portion of this property, and permits only a Senior Citizens’ Home and an accessory convenience retail and/or personal service establishment. This portion of the site is developed with a 125 unit four (4) storey Senior Citizens’ Home which was constructed circa 2010.

Owner:	Lindsay Retirement Home GP Limited
Applicant:	Lindsay Retirement Home GP Limited – Andy Bicanic
Legal Description:	Plan 8P, Part of Park Lot K, 57R-7336, Part of Part 1, former Town of Lindsay
Designation:	“Residential” on Schedule ‘A’ of the Town of Lindsay Official Plan
Zone:	“Future Residential (FR) Zone” on Schedule ‘A’ of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	2.45 ha. [6.04 ac. – MPAC], of which approximately 1.25 ha is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Adelaide Place Retirement Community, Vacant Land
Adjacent Uses:	North: Clancy’s Service Centre, Low Density Residential East: Albert St. S., Hamilton Park, Vacant Residential South: Unopened George St. Road Allowance, Trinity Auto Sales & Service, Low Density Residential West: Adelaide St. S., Vacant Residential

## **Rationale:**

The property is located between Adelaide Street South and Albert Street South, to the south of Bay Street, in Lindsay. See Appendix ‘A’. It contains an existing Senior Citizens’ Home on the western portion of the property, with associated parking on the south side of the building. The proposed development is an independent seniors’ apartment building located on the eastern portion of the site, with associated parking to the north of the proposed building. The second storey of the proposed building will be at the same elevation as the first storey of the existing building. A one storey link will connect the second storey of the proposed building to the first storey of the existing building. See Appendix ‘B’ and ‘C’.

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

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated June 22, 2017. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2017 Growth Plan, the Town of Lindsay Official Plan, and the Town of Lindsay Zoning By-law 2000-75.
2. Urban Design Brief prepared by Glos Associates Inc., dated June 22, 2017. The brief discusses how the proposal integrates within the community, the urban form and design, and site access.
3. Functional Servicing Report & Stormwater Management Report prepared by D.G. Biddle & Associates Limited, dated June 22, 2017. The report examines the existing municipal water and sanitary servicing options for the property as well as stormwater management impacts.
4. Traffic Impact Study prepared by Tranplan Associates, Toronto, dated June 2017. The report examines the traffic impacts for the proposed development on the lot.
5. Site Plan drawings prepared by Glos Associates Inc., dated June 26, 2017.
6. Building Elevation drawings prepared by Glos Associates Inc., dated June 26, 2017.
7. Site Grading Plan prepared by D.G. Biddle & Associates Limited, dated June 22, 2017.
8. Surveyor's Real Property Report prepared by Coe, Fisher, Cameron, Land Surveyors, dated March 7, 2011.
9. Topographic Plan prepared by Coe, Fisher, Cameron, Land Surveyors, dated May 17, 2017.

Staff has reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received. Staff recommends that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

## **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The development will be serviced by the existing municipal roads, sewage, water and stormwater services.

Full conformity with the GP will be established through the review of the application.

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

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development is not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Full consistency with the PPS will be established through the review of the application.

### **Trent Source Protection Plan (TSPP):**

The property is located within the Kawartha-Haliburton source protection area. Part of the property is located within a surface water intake protection zone for the municipal drinking water system for Lindsay, within the Intake Protection Zone 2 (IPZ-2) for the Lindsay municipal surface water system. See Appendix 'D'. Therefore, the applicant was required to obtain a Section 59.(2) Notice under the Clean Water Act (2006), prior to submission of this application.

### **Official Plan Conformity:**

The lot is designated "Residential" on Schedule 'A' of the Town of Lindsay Official Plan (OP). This designation permits all types of residential uses and densities. High density residential uses include apartment buildings and other residential buildings in excess of four storeys in height. A small commercial facility may be located on the ground floor of a high density residential building, to serve the residents of the building and complex. The density shall not exceed

125 units per gross hectare. Based on the applicant's submission, the proposed density will be 88 units per gross hectare for the entire site, including the existing 125 unit building and proposed 90 unit building.

High density residential development is subject to site plan control, and a number of criteria must be met, including, but not limited to:

- Height and massing of the buildings at the edge of the development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
- The development shall have direct access to a collector road where possible;
- A report on the adequacy of the road network to accommodate the expected traffic flows, and adequacy of water and sewer services shall be prepared by the applicant and approved by the City Engineer; and
- The water mains and sanitary sewers shall be capable of accommodating the development, or the developer commits to extend services at no expense to the municipality.

As noted above, a Functional Servicing Report (FSR) and Traffic Impact Study (TIS) have been submitted and circulated for review. Conformity with the OP will be established through a full review of the application.

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

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned "Future Residential (FR) Zone" in the Town of Lindsay Zoning By-law 2000-75. For the vacant portion of this property, the "FR" zone only allows uses which existed as of the date of passing of the By-law. The purpose of the "FR" zone is to protect the site for future residential development. The application, as proposed, would implement a site-specific "Residential High Rise One Special Nine (RH1-S9) Zone" which is already in place on the western portion of the property. This exception zone governs the standards for the existing Senior Citizens' Home on the western portion of the lot. This application serves to extend the zoning to the remainder of the property; to include an additional use; and modify the development standards for the zone to permit a 90 unit, five (5) storey "Independent Seniors' Apartment Building" on the eastern portion of the lot. The exception zone requirements would recognize site-specific development standards for the existing and new building, and all other provisions of the "RM1" zone would apply.

Zoning By-law compliance will be established through a full review of the application.

### **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 amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the exceptional quality of life strategic goal as it enhances access to community health services.

## **Servicing Comments:**

The following recommendation was adopted by Council:

- 10.3.24     **RESOLVED THAT** Report WWW2014-007, **Lindsay Capacity Study Action Plan Summary**, be received;  
**THAT** Council endorses the finding of the Capacity Report and direct staff to implement the recommendations of the assessment through future capital initiatives;  
**THAT** the scope of WW1341 - Lindsay Wastewater Collection / SPS Capacity be expanded to include an Environmental Assessment to address capacity constraints at the Colborne Street Sanitary Pumping Station; and  
**THAT** Council recognize the capacity constraints on the Colborne Street Sanitary Pumping Station and direct staff to limit development within the Colborne Street Sewer Shed area to pre-approved development allocation until the capacity restriction can be properly addressed.

**CARRIED**

This property is located in the Colborne Street Sanitary Pumping Station, and as such, sewer capacity on this lot is subject to Council Resolution 2014-777 above. This lot will be serviced by full municipal water and sanitary services, however based on the above resolution, staff are directed to limit development or re-development of this property to pre-approved development allocation, until the capacity restriction is addressed. To satisfy this concern, a holding (H) provision will be placed on any zoning, until the capacity issue has been addressed.

## **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. As of August 31, 2017, we have received the following comments:

### Agency Review & Public Comments:

August 21, 2017 – The Building Division has no concerns with this application.

August 25, 2017 – Al Ruggero, Director of Land Development for Rexton Developments Ltd. advised by email that they wish to be notified of the decision on this application.

August 31, 2017 – Cam Findley advised by phone that he has no objection to this application, and requested a larger copy of the site plan for viewing.

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

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## **Conclusion:**

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

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-053  
Appendix A.pdf

Appendix 'B' – Overall Site Plan – Drawing SP101



PLAN2017-053  
Appendix B.pdf

Appendix 'C' – Enlarged Site Plan – Drawing SP102



PLAN2017-053  
Appendix C.pdf

Appendix 'D' – Aerial Photo with TCC Source Protection Plan Mapping



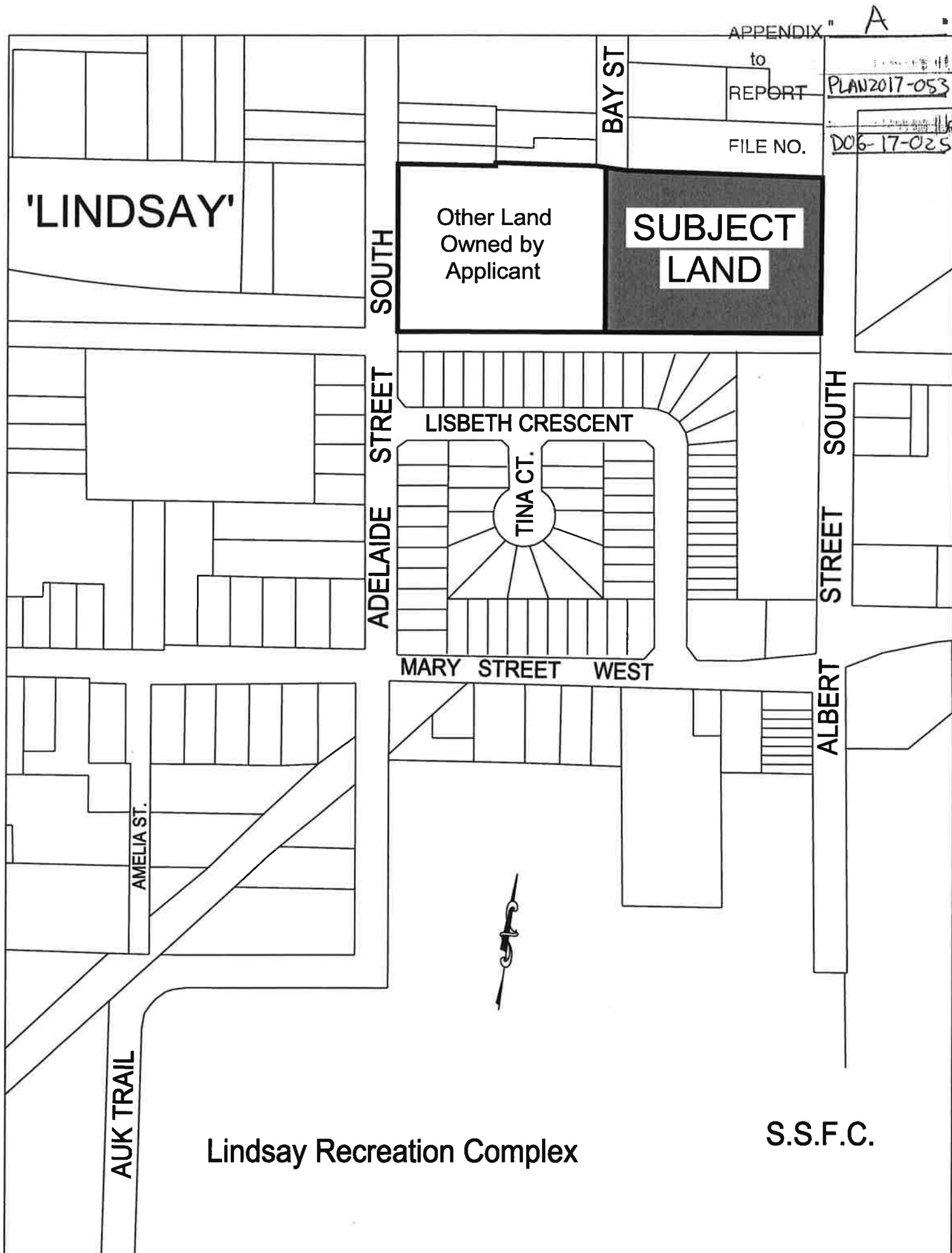
PLAN2017-053  
Appendix D.pdf

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

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

**Department File:** D06-17-025



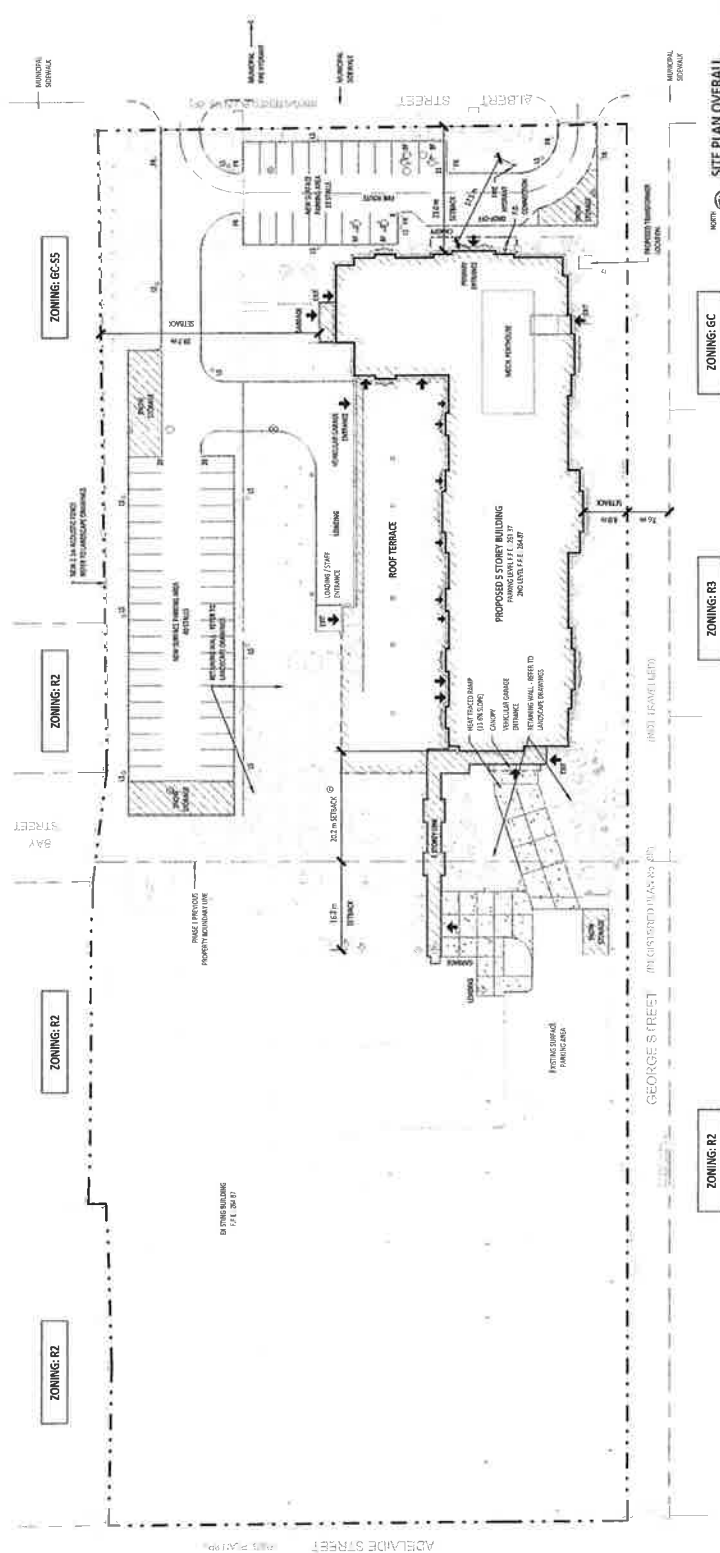
APPENDIX " B

REPORT PLAN2017-053

FILE NO. D06-17-025

[illegible][illegible][illegible]

PHASE 2, P2 PHASE 2







# 84 Adelaide Street South, Lindsay - Source Water Protection Mapping



Legend	
Road Centreline	==
Property ROLL#	[White Box]
KRCA Regulated Areas	[Green Box]
TCC_CKL_WellheadProtector	[Green Box]
WHPA - A	[Red Box]
WHPA - B	[Orange Box]
WHPA - C	[Yellow Box]
WHPA - D	[Light Green Box]
IPZ's	[Red Box]
IPZ-1	[Red Box]
IPZ-2	[Orange Box]
TCC_LSR_WHPA_NoGudi_Vt	[Green Box]
2	[Light Green Box]
4	[Light Green Box]
6	[Light Green Box]
8	[Light Green Box]
10	[Light Green Box]

APPENDIX "D"  
to  
REPORT  
FILE NO.

Notes	D
	PLAN 2017-053
	D06-17-025

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



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

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-056**

---

**Date:** September 13, 2017

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: Ward 7 – Bobcaygeon**

**Subject:** An application to amend the Village of Bobcaygeon Zoning By-law to permit a townhouse dwelling containing four (4) dwelling units for the property identified as 25 Prince Street West, Bobcaygeon (Sweeney)

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

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2016-056, respecting Lot 8 and Part Lot 9, Plan 70, being Part 1, Plan 57R-4111, identified as 25 Prince Street West, former Village of Bobcaygeon, “Sweeney – Application D06-17-026”, be received;

**THAT** Zoning By-Law Amendment application D06-17-026 identified as 25 Prince Street West, City of Kawartha Lakes, as generally outlined in Appendix “D” to Report PLAN2017-056, be approved and adopted by Council; and

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

**Department Head:**

---

**Legal/Other:**

---

**Chief Administrative Officer:**

---



## Background:

The applicant has submitted an rezoning application to permit a four (4) unit dwelling in a townhouse dwelling format (divided vertically) rather than a fourplex dwelling format (divided horizontally) on this lot. The existing lot area is of sufficient size to support four townhouse dwelling units without the need to change any zoning provisions other than permitted use to recognize the proposed built form.

Owner:	David Sweeney
Applicant:	Tom deBoer, TD Consulting
Legal Description:	Lot 8 and Part Lot 9, Plan 70, being Part 1, Plan 57R-4111, former Village of Bobcaygeon
Official Plan:	Urban, Victoria County Official Plan
Zone:	Urban Residential Type Two (R2) Zone on Schedule 'A' of the Village of Bobcaygeon Zoning By-law No. 16-78
Lot Area:	2,630.5 sq. m. [28,314 sq. ft. – MPAC]
Site Servicing:	Municipal sanitary sewer and water supply
Existing Uses:	Residential (single detached dwelling and residential accessory structures)
Adjacent Uses:	North: Industrial, Commercial, Duke Street East: Residential, Commercial, Main Street South: Prince Street, Residential, Commercial West: Residential, Joseph Street

## Rationale:

The property is located on the north side of Prince Street West, between Main Street and Joseph Street in Bobcaygeon. There is currently a single detached dwelling on this lot together with a detached garage and two sheds. The Urban designation allows residential uses, with low density uses predominating. The R2 Zone permits a single detached (subject to R1 Zone provisions), semi-detached, triplex and fourplex dwelling. An amendment to the Zoning By-law is necessary to permit a townhouse dwelling, which is separated vertically along the common sidewalls rather than a permitted fourplex dwelling, which is separated horizontally.

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

1. Planning Justification Brief prepared by Tom deBoer of TD Consulting dated July 10, 2017. This document discusses the appropriateness of the subject lot to support the proposed dwelling type.

2. Site Plan prepared by TD Consulting Inc., dated July 2017 with survey information provided by Beninger Surveying Ltd. The Plan illustrates the existing buildings proposed to be removed and proposed development on the lot and provides a site statistics table showing compliance with zoning provisions.
3. Site Grading Plan prepared by BaseTech Consulting Inc., dated June 2017. The Plan illustrates the existing and proposed development on the lot with elevation and grading information.
4. Building Elevation and Floor Plans prepared by Coachlamp Homes, dated January 2017.
5. Geotechnical Letter Report – Karst Topography and Erosion Hazard Assessment prepared by GHD, dated May 26, 2017.

Staff has reviewed the Planning Brief and accompanying documentation filed in support of the proposed zoning by-law amendment. The Kawartha Region Conservation Authority (KRCA) has also reviewed the Geotechnical Letter Report and foresees no issue with the application provided the recommendations contained within the aforementioned Consultant's report are included in the detailed design drawings.

This property is located within an area subject to Site Plan Control. A Site Plan Application (D19-17-011) has also been submitted, but will not be circulated at this time pending the outcome of the rezoning application. In addition, as the legal description of the subject property contains a lot and part of a lot on a plan of subdivision, a deeming by-law may be necessary prior to site plan approval to ensure the common lot line between will not create a technical zoning conformity issue for setback purposes.

### **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the Bobcaygeon settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

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

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

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the

quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development does not appear to be within or adjacent to any natural heritage features or species at risk as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS. In relation to Section 3, as acknowledged by the KRCA, the GHD Consultant's Geotechnical Report concluded that the site possesses a low to negligible potential for karst topography conditions and provided recommendations to follow related to construction as well as confirmed minimal to negligible erosion hazards based on the location of the proposed building. Therefore, the application is consistent with the PPS.

### **Official Plan Conformity:**

The "Urban" designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed "Urban Settlement Area" designation in the City of Kawartha Lakes Official Plan (CKLOP) and the "Residential" designation in the Bobcaygeon Secondary Plan (SP), are both subject to appeal to the Ontario Municipal Board. The Urban designation permits all types of residential uses and densities; however, low density shall predominate. A fourplex is considered a low density form of development. The density shall not exceed 25 units per net hectare. A row or townhouse dwelling is typically considered medium density, with a maximum density of 35 units per net hectare. The proposed density on the subject land, being approximately 15 units per net hectare, falls within the low density range and conforms to the density policies in the VCOP, and is in keeping with the general policies of the proposed CKLOP and SP for residential use of land within the settlement area of Bobcaygeon.

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

The subject land is zoned "Urban Residential Type Two (R2) Zone" in the Village of Bobcaygeon Zoning By-law 16-78. The applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes to add a site-specific exception to the R2 Zone, to permit a four unit townhouse dwelling on the subject lot. The proposed building will be constructed in accordance with the existing provisions of the zoning by-law. An R2 Exception (R2-\*\*) Zone is required to recognize the built form, being a townhouse dwelling.

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

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

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the vibrant and growing economy and exceptional quality of life strategic goals as it increases the supply of housing to attract new residents, and improves walkability in the City of Kawartha Lakes.

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

There are no accessibility implications for the City.

## **Servicing Comments:**

The lot is connected to full municipal services within the Bobcaygeon municipal service area.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

### Public Comments:

As of the time of writing this report, no public comments were received.

### Agency Review Comments:

On August 23, 2017, Engineering and Corporate Assets advised that Development Engineering has no objection to the proposed zoning by-law amendment to permit the proposed use. They noted as advised during pre-consultation and as per the City's connection by-law, that individual sanitary and water services are required for each townhouse unit. This item can be addressed

during the site plan submission review. In addition, the proposed single entrance for the four unit townhouse will have to be confirmed through Public Works.

During pre-consultation in November 2015, the Kawartha Region Conservation Authority (KRCA) requested that the proponent conduct a karst assessment to determine to what extent the subject property was within a known area of karst, which is water soluble bedrock, characterized by caves, crevices, sinks and underground streams. On August 29, 2017, KRCA acknowledged the GHD Consultant's conclusion that the site possesses a low to negligible potential for karst topography conditions and advised that they foresee no issue with the approval of the application based on their consideration for natural heritage, natural hazards and water quality and quantity protection policies provided that conditions outlined in the GHD Consultant's review of the subject site for karst topography and erosion hazards are included on the drawings at the detailed design stage, and adhered to during construction. These conditions include removing any incompetent bedrock, inspecting and approving subgrade bedrock by a geotechnical engineer for placing foundations, sealing any remaining fractures or open fissures, and testing and inspecting any fill beneath footings and floor slab areas.

On August 30, 2017, the Building Division advised that they have no concerns with the rezoning application.

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

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate Agencies and City Departments for review and comment.

The application conforms to the 2017 Growth Plan and is consistent with the 2014 Provincial Policy Statement. Conformity with the Victoria County Official Plan has also been demonstrated. The rezoning will permit the four (4) unit townhouse dwelling and ensure the proposed use complies with the Zoning By-law. All other zoning provisions within the R2 Zone will be maintained.

### **Conclusion:**

In consideration of the comments and issues contained in this report, and provided there are no issues or concerns raised at the Public Meeting, Staff respectfully recommend that the proposed Zoning By-law Amendment 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'  
PLAN2017-056.pdf



Appendix 'B'  
PLAN2017-056.pdf



Appendix 'C'  
PLAN2017-056.pdf



Appendix 'D'  
PLAN2017-056.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Concept Site Plan and Building Elevations

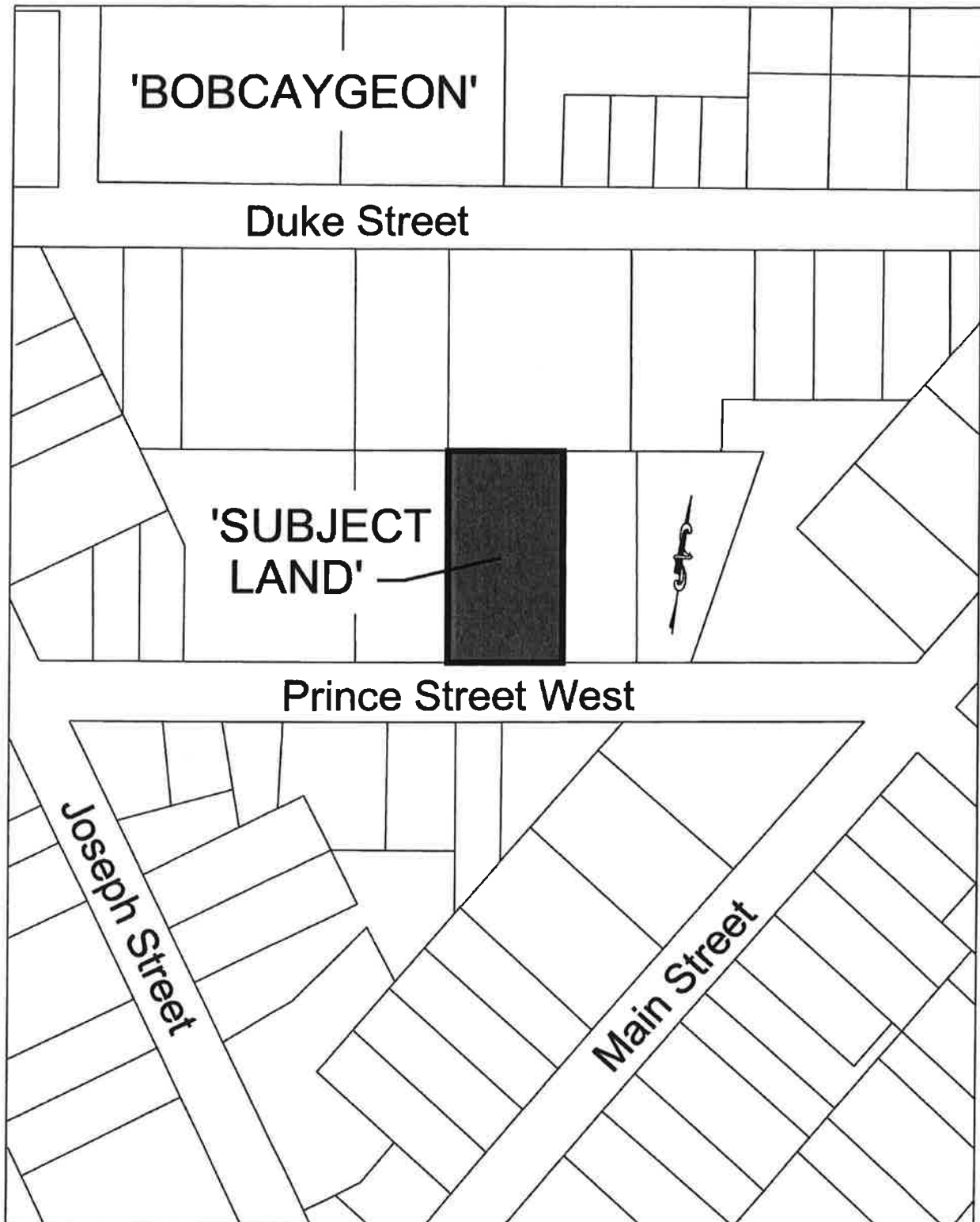
Appendix 'D' – Draft Zoning By-law Amendment

---

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

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

**Department File:** D06-17-026





## 25 Prince Street West (Bobcaygeon)



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

APPENDIX " B "

to

REPORT PLAN 2017-056

FILE NO. D06-17-026

**Notes**  
1:2500

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



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



RECEIVED

JUL 10 2017

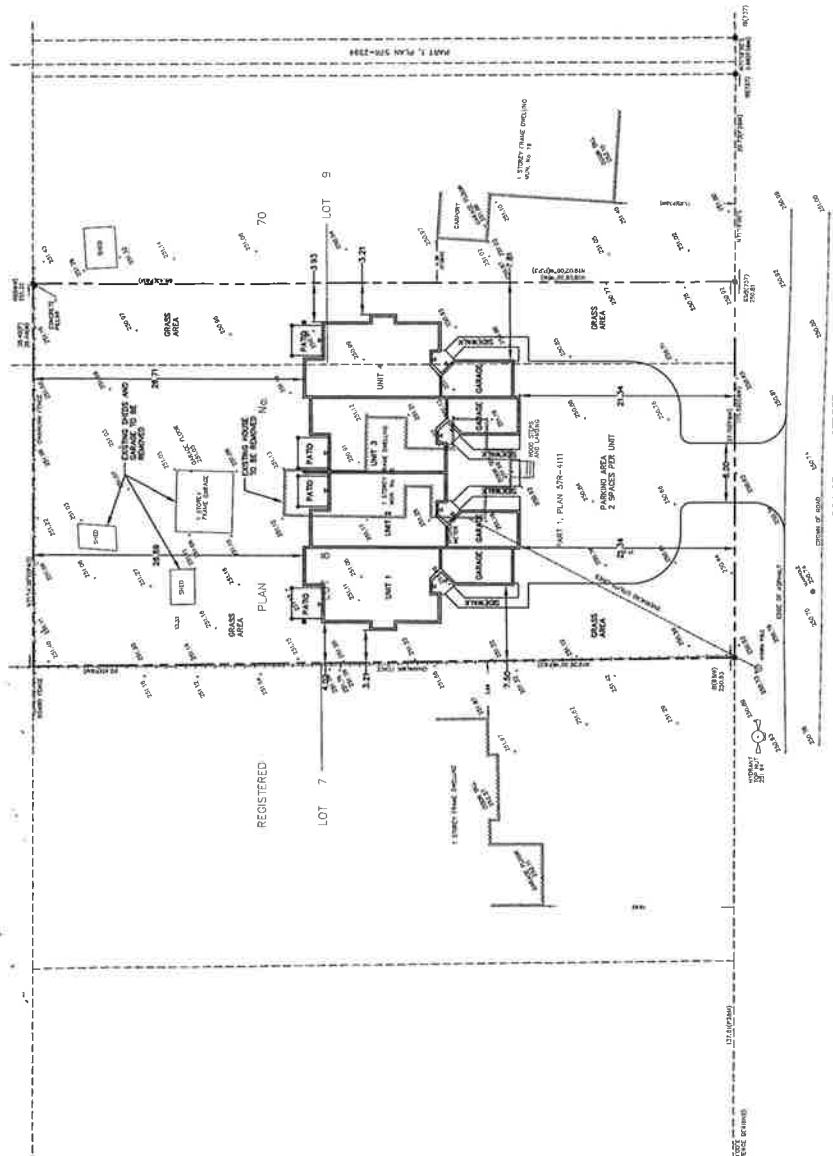
City of Toronto  
Planning Department



APPENDIX "C"  
to  
REPORT PLAN 2017-056

FILE NO. D06-17-026

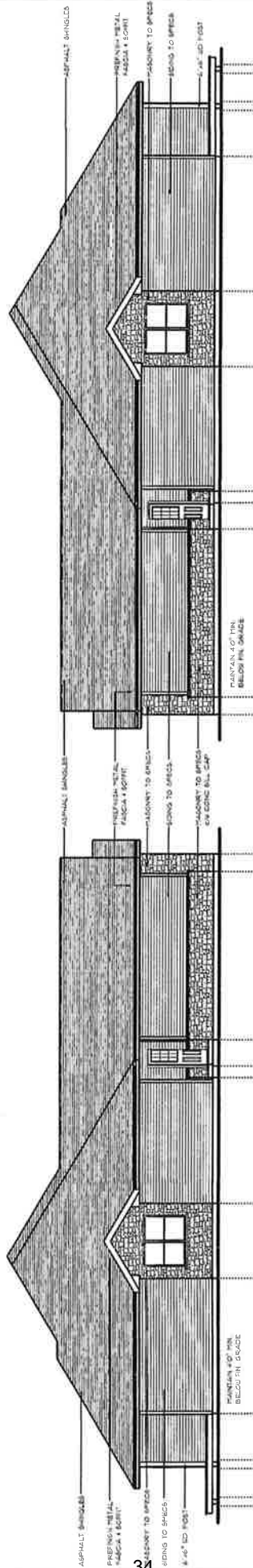
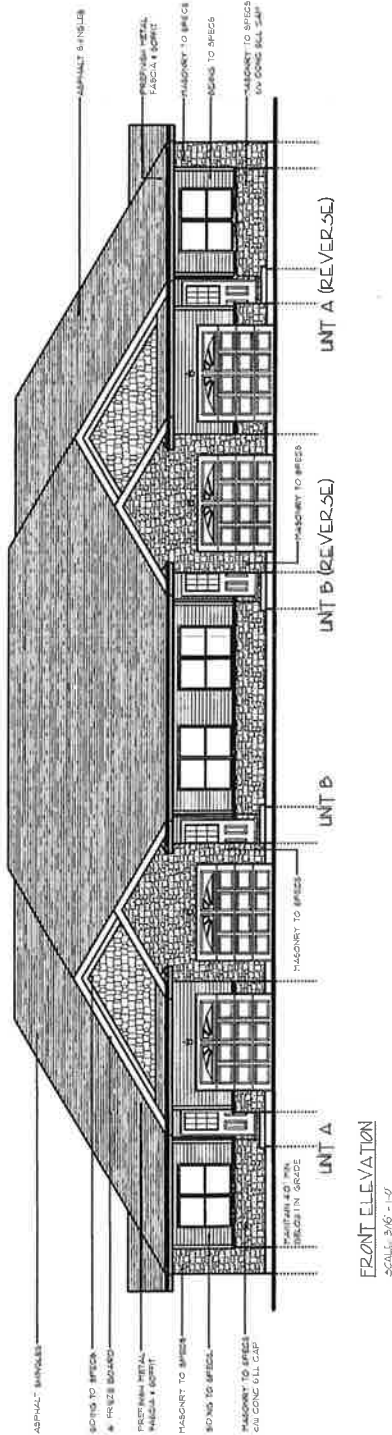
ZONING	
URBAN RESIDENTIAL, TYPE 2 (R2)	
FOUR DWELLING UNITS PROPOSED	
PERMITTED	PROVIDED
MIN. LOT AREA	2540.0m <sup>2</sup>
MIN. LOT FRONTAGE	37.70m
MIN. LOT DEPTH	22.70m
MIN. INTERIOR SIDE YARD	1.2m
MIN. REAR YARD	7.5m
MIN. FRONT YARD	1.0m
MIN. LOT HEIGHT	11.0m
LOT COVERAGE	30%



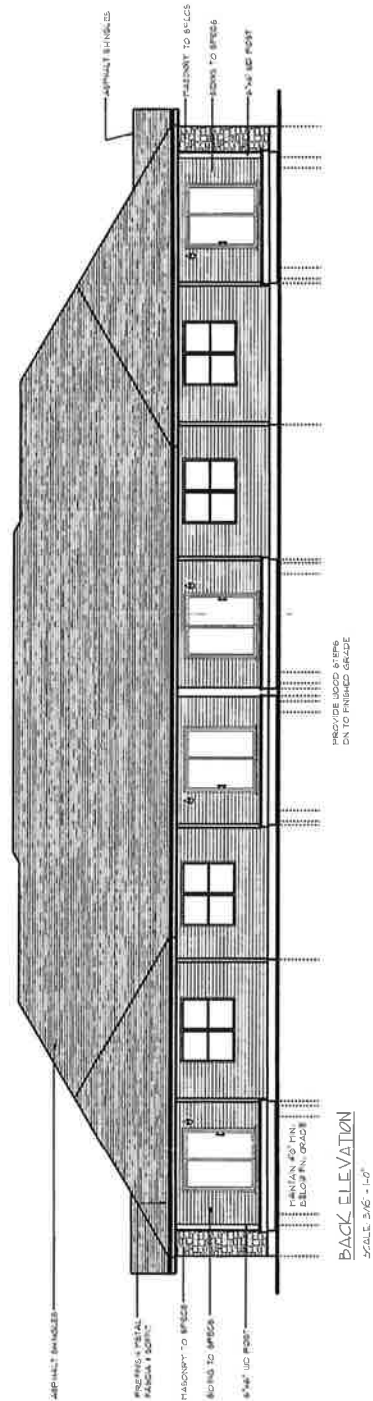
PROJECT TITLE		25 PRINCE STREET WEST	
PROJECT NO.		25 PRINCE STREET WEST	
PROJECT DATE		JULY 2017	
PROJECT TYPE		SITE PLAN	
PROJECT LOCATION		25 PRINCE STREET WEST NORTH OF PRINCE STREET EAST OF KENNEDY AVENUE CITY OF KANATA, ONTARIO	
PROJECT OWNER		TD Consulting	
PROJECT ENGINEER		017-093	
PROJECT DATE		JULY 2017	
PROJECT TYPE		SP-1	

SURVEY INFORMATION PROVIDED BY:  
BENINGER SURVEYING LTD.  
211 SPADAVILLE STREET  
TORONTO, ONTARIO M5T 2C1  
TEL: 416-593-8888

APPENDIX " C " to (20F2)  
 REPORT PLAN 2017-056  
 FILE NO. D06-17-026



RIGHT ELEVATION  
 SCALE 3/16" = 1'-0"



LEFT ELEVATION  
 SCALE 3/16" = 1'-0"

PROJECT 02  
 JUL 10 2017



COACHLAMP LANE 5

25 Prince St. (Burlington)	DATE: 07/10/17	BY: JLD
4100 sq. ft. .4 PLEX	DATE: 07/10/17	BY: JLD
16-D-192	DATE: 07/10/17	BY: JLD



A5

**The Corporation of the City of Kawartha Lakes****By-Law 2017 -****A By-Law To Amend The Village of Bobcaygeon Zoning By-Law No. 16-78 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-17-026, Report PLAN2017-056, respecting Lot 8 and Part Lot 9, Plan 70, being Part 1, Plan 57R-4111, former Village of Bobcaygeon, identified as 25 Prince Street West – SWEENEY]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a four (4) unit townhouse dwelling on the subject land.
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 2017-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lot 8 and Part Lot 9, Plan 70, being Part 1, Plan 57R-4111, former Village of Bobcaygeon, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 16-78 of the Village of Bobcaygeon is further amended to add the following section to Section 6.3:

“m. Notwithstanding the permitted uses of subsection 6.1, on land zoned R2-S13, a townhouse dwelling having a maximum of four (4) dwelling units shall also be permitted.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 16-78 of the Village of Bobcaygeon is further amended to change the zone category from the “Urban Residential Type Two (R2) Zone” to the “Urban Residential Type Two Special Thirteen (R2-S13) Zone” for the land referred to as ‘R2-S13’, 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 \*\*\*, 2017.

---

Andy Letham, Mayor

---

Ron Taylor, Acting City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

MAYOR \_\_\_\_\_

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

**'BOBCAYGEON'**

**Duke Street**

**R2-  
S13**

**Prince Street West**

**Joseph Street**

**Main Street**



Development Services – Planning Division  
180 Kent Street West  
Lindsay ON K9V 2Y6  
Tel: (705) 324-9411 Ext. 1331  
Fax: (705) 324-4027  
e-mail: [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## Memorandum

**To:** Chairman and Planning Advisory Committee  
**From:** Sherry L. Rea, Development Planning Supervisor  
Development Services – Planning Division  
**Date:** September 13, 2017  
**Subject:** OMB Correspondence regarding O.Reg 549/06  
Part Lots 4 and 5, Concession 2, geographic Township of Emily,  
City of Kawartha Lakes, being vacant land on Ski Hill Road  
Sobrian/Kiezebrink/Chamberlain (Omemee Country Inn)

---

### Background:

On May 24, 2016, Council of the City of Kawartha Lakes adopted Official Plan Amendment No. 21 to the City of Kawartha Lakes Official Plan through the passing of By-law No. 2016-117 under Sections 17 and 24(2) of the Planning Act, R.S.O. 1990, c.P. 13, as amended and passed Zoning By-law No. 2016-118 under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended.

These applications proposed to re-designate portions of the land from the "Rural" designation to the "Tourist Commercial" and "Environmental Protection" designations in the City of Kawartha Lakes Official Plan and to rezone portions of the land from the Agricultural (A1) Zone to the Recreation Commercial Exception Two (C3-2) and Environmental Protection (EP) Zones.

The proposal was to permit a two (2) phased "Country Inn" development on the property with Phase 1 to include a 929 sq.m. country estate building with 14 guest rooms, a manager's apartment and a 150 person conference/event room along with 3 small two bedroom cottages/chalets. Phase 2 will include a 1,858 sq.m. lodge with 30 guest rooms and 2 additional conference/event rooms and a 2<sup>nd</sup> manager's apartment. The area of the phased development represented 31 ha of the total land holdings.

On June 17, 2016, Randal Chamberlain filed appeals of Council's decision regarding the Official Plan Amendment and Zoning By-law Amendment pursuant to Subsections 17(24) and 34(19) of the Planning Act, R.S.O. 1990, c.P.13.

On May 3, 2017, an Ontario Municipal Board Hearing was held to hear the Appeals filed by Randal Chamberlain. As a result of evidence presented at the Hearing, the Board Member determined that there was information and material presented at the Hearing that was not before Council at the time of the making of its decision.

On May 25, 2017, the City received the attached correspondence from the Board under O.Reg 549/06 which provides the City the opportunity to receive the material, undertake reconsideration of its decisions and if it so wishes, to make a written recommendation to the Board. Pursuant to the Board's correspondence, please find attached the correspondence from Board which included the following:

Report dated December 22, 2016 prepared by J.E. Coulter Associates Limited referencing Omemee Country Inn Development Proposal, City of Kawartha Lakes, Noise Study and Opinion

Environmental Noise Feasibility Study – Omemee Country Inn, dated April 27, 2017, prepared by Valcoustics Canada Ltd.

**Recommendation:**

**RECOMMEND THAT** the September 13, 2017 memorandum from Sherry L. Rea, regarding OMB Correspondence regarding O.Reg 549/06 Part Lots 4 and 5, Concession 2, geographic Township of Emily, City of Kawartha Lakes, being vacant land on Ski Hill Road Sobrian/Kiezebrink/Chamberlain (Omemee Country Inn), be received; and

**THAT** the OMB Correspondence regarding O.Reg 549/06 Part Lots 4 and 5, Concession 2, geographic Township of Emily, City of Kawartha Lakes, being vacant land on Ski Hill Road Sobrian/Kiezebrink/Chamberlain (Omemee Country Inn) be received for information purposes.

Respectfully submitted,

Sherry L. Rea, MCIP, RPP  
Development Planning Supervisor

/slr  
Attach.



Memorandum -  
Sobrian-Kiezebrink-CI

**Environment and Land Tribunals  
Ontario**

**Ontario Municipal Board**

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Fax: (416) 326-5370  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

**Commission des affaires municipales  
de l'Ontario**

655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Télécopieur: (416) 326-5370  
Site Web: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)



May 25, 2017

**VIA: COURIER & EMAIL**

The Clerk  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON  
K9V 5R8

Email: [jcurrins@city.kawarthalakes.on.ca](mailto:jcurrins@city.kawarthalakes.on.ca)

Subject: Case No.:	PL160656
File No.:	PL160656
Related File No.:	PL160657
Municipality:	City of Kawartha Lakes
Official Plan No.:	OPA 21
Zoning By-law Amendment No.:	2016-118
Property Location:	Part of Lots 4 & 5, Concession 2
Applicants:	Erik and Deborah Kiezebrink
Appellant:	Randal Chamberlain

In its Decision issued today with respect to the above-referenced appeals, the Ontario Municipal Board ("the Board"), has determined that certain information and material is to be brought before it in the hearing of these appeals and that this information and material was not before City Council at the time of the making of its decisions on these planning instruments, and that this information could materially affect those decisions.

As you will see in the Decision issued today, the Board Member has determined that this information and material should be dealt with in accordance with Subsections 17(44.5) and (44.6), and 34(24.5) and (24.6) of the *Planning Act*.

Consequently, please find attached to the electronic transmission of this letter (and enclosed with the hard copy of the letter), copies of the following reports:

1. Report dated December 22, 2016 prepared by J. E. Coulter Associates Limited referencing Omemee Country Inn Development Proposal, City of Kawartha Lakes, Noise Study and Opinion; and

2. Environmental Noise Feasibility Study – Omemee Country Inn, dated April 27, 2017, prepared by Valcoustics Canada Ltd.

In accordance with the referenced provisions of the *Planning Act*, City of Kawartha Lakes Council has the opportunity to receive this information and material and reconsider its decisions with respect to OPA 21 and Zoning Amendment By-law 2016-118. It also has the opportunity to then make a written recommendation to the Board.

Under O.Reg.549/06, Council is to be permitted 60 days to receive the material, undertake reconsideration of its decisions and, should it wish to do so, to transmit a written recommendation to the Board. If received by the Board within the 60 days, the Board shall have regard to the Council's recommendations. If received after the 60 day period, the Board may have regard to those recommendations, but is not required to do so.

Should Council determine to transmit recommendations to the Board on these appeals with respect to this new information and material, please direct that transmission to the attention of Johnpaul Loiacono, Case Coordinator/Planner and it will be put before the panel of the Board hearing these appeals.

If there are any questions regarding this matter, please feel free to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Mary Ann Hunwicks', written in a cursive style.

Mary Ann Hunwicks  
Board Secretary

C: R. Carlson (via email)  
J. Donnelly (via email)  
J. Ewart (via email)

Encl.



**J.E. COULTER  
ASSOCIATES  
LIMITED**

Consulting Engineers in  
Acoustics, Noise & Vibration

**PRESIDENT**  
John E. Coulter, B.A.Sc., P.Eng

**VICE-PRESIDENT**  
Howard R. Patlik, C.E.T.

Suite 211  
1210 Sheppard Avenue East  
Toronto, Ontario M2K 1E3  
Tel: (416) 502-8598  
Fax: (416) 502-3473  
[www.jecoulterassoc.com](http://www.jecoulterassoc.com)

**TRANSMITTAL RECORD**

**Date: December 22, 2016**

**To: Donnelly Law**

**Enclosing Herewith: Letter**

**Via: E-mail**

**Title: Omemee Country Inn Development Proposal  
City of Kawartha Lakes  
Noise Study and Opinion**

**Comments:**

**Distribution: Mr. David Donnelly**

**Per: Daniela Filiberto**

**Subject:** Omeme Country Inn Development Proposal - City of Kawartha Lakes - Noise Study and Opinion

**From:** Reception <reception@jecoulterassoc.com>

**Date:** 2016-12-22 12:10 PM

**To:** David Donnelly <david@donnellylaw.ca>

**CC:** Anne Sabourin <anne@donnellylaw.ca>

Letter attached as referenced above.

Please use the following email addresses to contact our staff:

NAME	EMAIL
John Coulter:	<a href="mailto:jecoulter@jecoulterassoc.com">jecoulter@jecoulterassoc.com</a>
Howard Patlik:	<a href="mailto:hpatlik@jecoulterassoc.com">hpatlik@jecoulterassoc.com</a>
Tobin Cooper:	<a href="mailto:tcooper@jecoulterassoc.com">tcooper@jecoulterassoc.com</a>
Asher Elper:	<a href="mailto:aelper@jecoulterassoc.com">aelper@jecoulterassoc.com</a>
Sam Kulendran:	<a href="mailto:skulendran@jecoulterassoc.com">skulendran@jecoulterassoc.com</a>
Brendon Colaco:	<a href="mailto:bcolaco@jecoulterassoc.com">bcolaco@jecoulterassoc.com</a>
Lisa McGunnigle:	<a href="mailto:lmgunnigle@jecoulterassoc.com">lmgunnigle@jecoulterassoc.com</a>

Email attachments up to 32MB can be accepted.

J.E. Coulter Associates Limited

— Attachments:

Omeme - Noise Study and Opinion.pdf

476 kB

**J.E. COULTER  
ASSOCIATES  
LIMITED**

Consulting Engineers in  
Acoustics, Noise & Vibration

**PRESIDENT**  
John E. Coulter, B.A.Sc., P.Eng

**VICE-PRESIDENT**  
Howard R. Patlik, C.E.T.

Suite 211  
1210 Sheppard Avenue East  
Toronto, Ontario M2K 1E3  
Tel: (416) 502-8598  
Fax: (416) 502-3473  
[www.jecoulterassoc.com](http://www.jecoulterassoc.com)

December 22, 2016

Donnelly Law  
276 Carlaw Avenue  
Suite 203  
Toronto, ON  
M4M 3L1

Attention Mr. David Donnelly

**Re: Omeme Country Inn Development Proposal, City of Kawartha Lakes  
Noise Study and Opinion**

Mr. Donnelly:

J.E. Coulter Associates Limited ("Coulter Associates") was retained by Mr. Randy Chamberlain and Ms. Donna Querengesser (the "Clients") to evaluate the sound impact of a proposed Country Inn and Wedding Facility development on their nearby property, located at 241 Mt. Nebo Road, Omeme, Ontario (the "Clients' Property"). Eric and Deborah Klezebrink (the "Applicants") propose to develop a Country Inn that would accommodate outdoor weddings in tents with up to 550 guests (the "Proposed Development"). This opinion letter details the sound test and recommendations to address the sound impacts of a proposed development on the Clients' Property.

**Executive Summary**

Coulter Associates undertook a noise review of the proposed Country Inn and Wedding Facility to determine the likely noise effects of the proposed operation on some of the neighbours. With the cooperation of the Applicants, Coulter Associates measured the anticipated noise level at the Clients' Property from the use of the three proposed outdoor wedding venues on the development site.

**Our Key Conclusions are:**

- Without further mitigation measures, the proposed development in its current form will likely exceed the Provincial Noise Guideline (NPC-300).
- Sound from the proposed facility will impact 241 Mt Nebo Road. The proposed development may be twice as loud as the limit recommended in Provincial Noise Guideline (NPC-300) for this rural and generally quiet location.
- Sound from the proposed facility is expected to impact residents in the Town of Omeme, closest to the venue, across the water to the north.

To ensure that the Provincial Noise Guideline is met, we recommend the Applicants retain the services of an acoustical engineer to review the proposed open air and enclosed facilities, and provide a feasibility report to be peer reviewed by the Municipality and neighbours. This report should contain sufficient detail to demonstrate that, with the practical controls to be outlined in the same report, the site could operate as intended by the Applicants.

#### Description of Development Proposal and Clients' Property

The Applicants propose to develop a Country Inn that would accommodate outdoor weddings in tents with up to 550 guests. The Proposed Development is adjacent to and west of the Clients' Property. The Clients are proposing to build a house on the hilltop, just east of the proposed wedding facility.

The Proposed Development would include three outdoor venues for weddings on the property, permitting three separate events to be held simultaneously on a single day. The outdoor venues would include tents that open to the north and each would have an amplified sound system. The three sound systems are proposed to be operated at a level of 80 dBA at a distance of 30 metres from the sound system.

The Applicants advised Coulter Associates that outdoor wedding activity would cease at 2300 hours, with only indoor music permitted after 2300 hours. The outdoor venues could operate throughout all seasons in appropriate weather.

The Proposed Development property is currently abandoned pasture and not used for residential purposes. The Proposed Development property is currently designated "Rural" and "Environmental Protection" in the City of Kawartha Lakes' Official Plan, and zoned "Agricultural (A1)" and "Environmental Protection (EP)". The southwestern and northeastern areas of the Proposed Development property contain portions of the Pigeon River Provincially Significant Wetland. The Pigeon River Mill Pond lies to the north of the Proposed Development, with the village of Omemee located as close as 800 meters across the water from the northern limit of the Proposed Development property. The area is rural in character, and quiet.

No Sound Impact Analysis by a qualified engineering consultant was prepared on behalf of the Applicants to assess the potential sound impact of the Proposed Development on the surrounding community.

#### Evaluation of the Sound Impact

The sound testing occurred on October 19, 2016 at approximately 1800 hours. The Applicants granted permission for Coulter Associates to attend the Proposed Development property where the Applicants had set up an outdoor sound system, simulating the activities proposed for the development site.

Two speakers were mounted in a tent-like enclosure for the sound tests, simulating the Applicants' intentions for the proposed wedding uses. The sound system was played at a level of 80 dBA at a distance of 30 metres, per the Applicants' intentions. The property locations and site of the sound system for the test are shown on the attached map. Sound meters were installed at the hilltop location of the future home site of the Clients and at the future site of Phase 1 of the Proposed Development.

We then measured the following:

1. Background sound level on the Clients' Property, approximately at the location of their proposed home;
2. Sound level of the operating sound system close to the proposed venue; and
3. Sound level at the Clients' property while the sound system was operational, simulating a single wedding event.

On October 19, 2016, winds were very light from the northwest and there was no precipitation. Given the high elevation of the proposed house on top of a ridge, the effects of weather on sound propagation will be minor. The results of the test are therefore representative of most days of the year.

The Clients' Property is classified as a "Class 3 Area" per the Provincial Environmental Noise Guideline, Publication NPC-300 ("NPC-300"). There are no significant man-made sounds generated nearby (e.g. highway). NPC-300 establishes an hourly average (Leq) sound limit for Class 3 Areas as follows:

- 45 dBA from 0700 hours to 1900 hours; and
- 40 dBA from 1900 to 0700 hours.

These levels are well below normal conversation levels, which measures approximately 60 dBA at a distance of one metre. The background sound levels measured on the Clients' Property ranged from 38-40 dBA at approximately 1800 hours, i.e. It is a quiet area, even with evening traffic. The background sound is dominated by natural sources such as birds, insects and modest leaf movement, when there is a breeze.

With the wedding event simulation (sound system on) the sound level at the Clients' Property varied between 42 and 45 dBA on the ridge. At times, the music was relatively inaudible while at other times the music was clearly audible and the song lyrics could be easily recognized. In this case, the sound system speakers were aimed toward the top of the ridge of the Clients' Property.

A second simulation test was run with the speakers re-oriented to the north. This reconfiguration of the sound system of the Proposed Development had the effect of reducing the measured sound levels on the Clients' Property by 3 dB.

#### Analysis

Based on our observations, the sound of the single event happening is estimated to average 43 dBA. A single outdoor event is predicted to exceed the NPC-300 limit after 1900 hours at the Client's property.

If three events ran simultaneously, the net sound level at the Clients' Property could reach as high as 53 dBA. While the predicted sound level in this scenario would be approximately 48 dBA, a 5 dB tonal correction is added for tonal sound from music. We note it is unlikely that all three facilities would play music constantly and simultaneously for a full one hour at a time and we have allowed for that probability in our estimates; however, at least on paper, the sound could be briefly a little higher than our estimates.

**In our opinion, the typical sound level at the Clients' Property for three concurrent events would be 49 to 52 dBA. 52 dBA is more than twice as loud as the Provincial Noise Guideline NPC-300 guideline for this location. In the typical suburban backyard location (distant to any arterial roads), where two individuals are having a conversation standing one (1) metre apart, a third party at a distance of four (4) metres would be able to overhear the two-party conversation at a sound level of approximately 52 dBA.**

Our evaluation of the sound impact at the Clients' Property also informs the predicted noise impact on the Town of Omemee. The Town of Omemee is classified as a "Class 2 Area" per the Provincial Environmental Noise Guideline (NPC-300). A Class 2 Area is characterized by low evening and night background sound levels defined by the natural environment and infrequent human activity. NPC-300 establishes an hourly overage (Leq) sound limit for Class 2 Areas as follows:

- 50 dBA from 0700 hours to 1900 hours; and
- 45 dBA from 1900 hours to 0700 hours.

In our opinion, the typical sound level in the Town of Omemee, will rise to the same level (52 dBA) as on the Clients' Property on occasion (approximately every two weeks). In this scenario, the Town of Omemee is likely to receive resident complaints regarding the excessive noise.

The Town will experience this sound impact when three outdoor events occur simultaneously. The worst case impact on the Town of Omemee would occur from 2200 hours onwards. Sound would impact the Town of Omemee due to southerly winds or certain atmospheric conditions (clear night inversions), which occur approximately half of the time for summer late evenings and nights. The location of Mill Pond and wetlands will heighten any sound travelling north, to a greater degree than may have been expected by a lay person.

This analysis regarding the predicted sound levels in the Town of Omemee compares to the sound levels that will be experienced on the top of the hill where the Client's property is located, except that the latter will occur more often and with twice the impact

#### Mitigation of Sound Impact from the Proposed Development

Dealing with the noise issue from the Proposed Development is not a simple matter: open outdoor venues are not generally esthetically compatible with typical noise barriers. Often the sound from a venue can be redirected, and the directivity boosted by structures and landscaping.

In this case, it is not obvious which way the sound could be redirected without causing a sound impact at a different location, e.g. residence in another direction. For example, redirecting the sound northward may lower the sound level at the top of the Clients' ridge; however, the Town of Omemee is across the water to the north of the Proposed Development. The wetlands will reduce any of the normal propagation limitations usually experienced for sound travelling over soft ground. Omemee residents would be quite aware of the sound, which would fluctuate between being just audible to quite identifiable every thirty seconds or so.

There may be opportunities to redirect sound to the west, where there are fewer residents and the noise of Ski Hill Road may help mask the sound. A Sound Impact Assessment would assist in determining the use of directivity as an appropriate mitigation measure.

The design and construction of the permanent buildings of the Country Inn facility should also incorporate sound mitigation. Venue operators often underestimate the building envelope necessary to run the sound levels up to the levels a DJ, client or live band might insist on. For example, sound radiation from the roof often presents an unexpected problem, and should be appropriately designed prior to erecting the building.

The design of the walls, windows, doors and roof of the permanent building(s) should be considered at this point in time to fully understand the financial resources required to ensure no sound impact from the proposed uses. Doors may require vestibules and walls may require masonry components to stop the penetration of bass music. If the rooms have vaulted ceilings, the roof may need extra mass. The windows in some directions may need upgrading to heavier glazing on a wider air space.

### **Conclusions**

The expected sound level at the Clients' Property for three concurrent events would be 49 to 52 dBA. 52 dBA is more than twice as loud as the NPC 300 limit of 45 dBA and 40 dBA for this location.

Residents in the Town of Omamee will also hear the sound from the Proposed Development in excess of 5 dB. Town residents will at times be impacted by the noise and some will inevitably find it bothersome.

Therefore, to ensure compliance with NPC-300, a Sound Impact Analysis should be undertaken and peer reviewed by the City of Kawartha Lakes and on behalf of the Clients. Mitigation measures should then be incorporated into the planning instruments to ensure no nuisance for nearby residents.

### **Recommendations**

1. **No outdoor amplified sound should be permitted as part of the Applicants' Proposed Development.** However, if this is not possible, we recommend the following:
  - a. **The equipment used at the outdoor venues be limited to a predetermined sound level, to protect nearby residents; and**
  - b. **The proposed outdoor facilities must be properly oriented and screened to reduce the sound impact.**
2. **The Applicants should retain an acoustical engineer experienced in addressing noise heard at large distances from outdoor sources, keeping in mind that resolving the incompatibility may lead to other sound issues elsewhere in the surrounding area. The Applicant's noise consultant should advise on how the permanent built facility (not the outdoor tents or pavilions) can be augmented by being properly oriented, screened and limited in sound output so that it remains within NPC 300 guidelines, as applicable.**
3. **A multi-step approach to approval and monitoring the Proposed Development be undertaken. The Applicants' acoustical engineer should produce a report, to be peer reviewed by the City of Kawartha Lakes and the Clients. The recommended conditions should be incorporated into the planning instruments, which would allow the venue to operate on a temporary basis. The sound would be monitored to allow for additional mitigation or restrictions on the property use, to ensure NPC-300 limits are met at nearby**



properties, prior to any final approval of the proposed Official Plan and Zoning By-law Amendments.

4. **Performance at the Proposed Development should be audited once operational to determine if operations must change to reduce the sound impact and meet NPC-300 sound limits.** Future operations should be allowed only after having demonstrated responsible operation and effective sound mitigation.

We trust the above will assist in the review of this project's implications. Should there be any questions, please do not hesitate to contact the undersigned.

Yours truly,

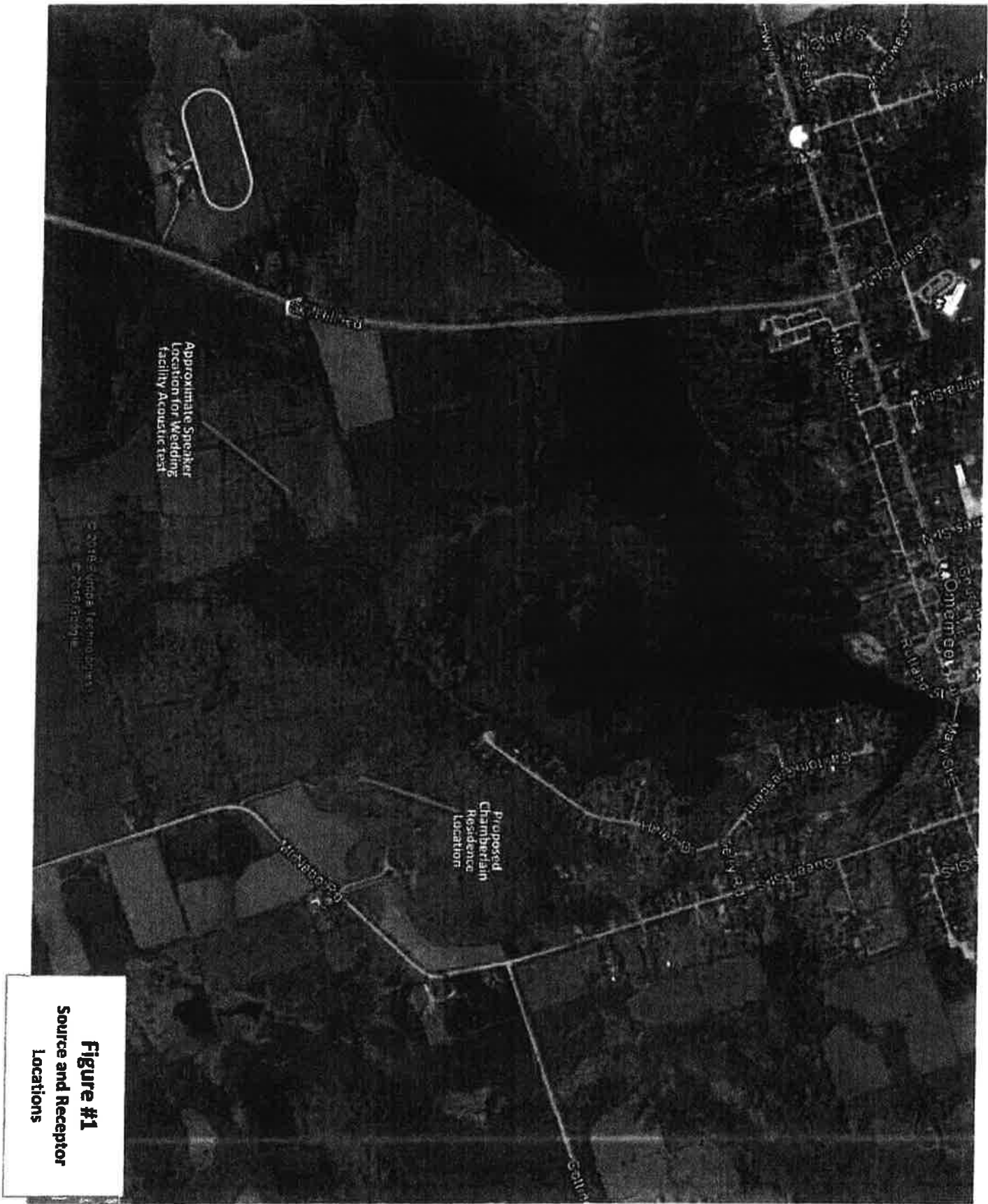
J.E. COULTER ASSOCIATES LIMITED



John Coulter, B.A.Sc., P.Eng.

JEC:lm

Enclosure





# Environmental Noise Feasibility Study

## Omemee Country Inn

### Proposed Country Inn Development


in the community of Omemee  
City of Kawartha Lakes

April 27, 2017  
Project: 117-0145

Prepared for


### Nestleton Waters Inn

Prepared by

  
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**VALCOUSTICS**

*Canada Ltd.*

Document Version Index:

Version	Date	Description of Changes
1.0	April 27, 2017	Final - Issued to Client for Use

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## **Environmental Noise Feasibility Study**

### **Omemee Country Inn**

#### **Proposed Country Inn** in the community of Omemee City of Kawartha Lakes

#### **EXECUTIVE SUMMARY**

Valcoustics Canada Ltd. (VCL) was retained to prepare an Environmental Noise Feasibility Study for the proposed country inn development to be located in the community of Omemee, in the City of Kawartha Lakes. The country inn will be able to host either outdoor tented or pavilion events (i.e. garden parties, weddings, fundraising galas), and/or indoor events located within the estate (first phase) or the lodge (second phase), and will also provide spa services and overnight accommodation (in the inn suites or cottages). The activity that has the greatest potential to create off-site noise impacts is an outdoor tented event or wedding that would utilize both amplified speech and music.

The primary noise sources associated with the country inn operations will be music and speech associated with wedding ceremonies and tented receptions, as well as vehicles travelling to and from the venue.

Based on our assessment, mitigation measures will be required to meet the noise guideline limits at the planned neighbouring dwelling to the north. Mitigation options could include:

- limiting the maximum sound level produced outdoors during the evening receptions. A 3 dB reduction from a maximum of 70 dBA at 15 m to 67 dBA at 15 m will result in the guideline limits being met;
- constructing a 5.0 m high sound barrier (acoustic fence and/or berm) along a portion of the north property line. The location of the berm is shown on Figures 9 and 10;
- orienting the tent locations relative to the buildings constructed on site such that they provide acoustical screening to the lot to the north; and
- orienting the speakers such that they point away from the receptor.

With the incorporation of one of the mitigation measures above (or a combination thereof), the noise guideline limits will be met at all noise sensitive receptors in the vicinity of the development.

## 1.0 INTRODUCTION

VCL was retained by Nestleton Waters Inn to prepare an Environmental Noise Feasibility Study for the proposed country inn development in the community of Omeme, in the City of Kawartha Lakes. The noise emissions from the proposed development have been assessed at the closest off-site noise sensitive receptors and compared to the Ministry of the Environment and Climate Change (MOE) noise guideline limits. This assessment concludes that the noise from the operations at the country inn can comply with the applicable noise guideline limits at all off-site receptors.

To complete the assessment, a site visit was done on April 28, 2017 to the existing Nestleton Waters Inn in Nestleton and to the development site in Omeme. During this visit, a detailed description of an outdoor wedding event at the existing Nestleton Waters Inn and for the proposed new location were provided. Reference sound level measurements of the amplified activities were also done for use in our assessment.

### 1.1 SITE DESCRIPTION

The proposed development is located on the east side of Ski Hill Road, north of Meadowview Road, in the Community of Omeme. The lands surrounding the site are currently designated as "Rural" under the City of Kawartha Lakes Official Plan.

The site is bounded by:

- a future detached residential dwelling to the north (land is currently vacant);
- vacant land (belonging to the owners of the subject site) to the east;
- existing residential dwellings along Meadowview Road (located over 500 m from the subject site) to the south; and
- Ski Hill Road, with existing residential dwellings and a horse farm beyond, to the west.

Figure 1 shows a Key Plan. A Concept Plan, prepared by EcoVue Consulting Services Inc., dated November 24, 2015, is included as Figure 2. The Concept Plan shows the potential location of the various facilities that are proposed for the site. Once detailed plans are available, these will need to be reviewed to ensure adequate noise reduction is provided.

### 1.2 PROPOSED COUNTRY INN

The proposed country inn development will be built in two phases:

Phase 1 will be located toward the northeast corner of the site, and will consist of an estate building, a small number of guest cottages, and a parking area. It is expected that a small pond and garden will be built to the east of the estate building.

Phase 2 will be located toward the southeast corner of the site, and will consist of a lodge building, a parking area and a three-season pavilion. The lodge building will have two wings with a combined 350-person seating capacity. It is anticipated that a small pond and garden will be constructed at the east side of the Phase 2 lodge as well. The three-season pavilion will be a

permanent, closed structure with walls and a roof that will likely be located between the Phase 1 estate and Phase 2 lodge.

In addition to functioning as a country inn offering bed and breakfast, spa, dining and lounge, the inn will also provide opportunities to host events (i.e. weddings, corporate retreats, charity gala fundraisers etc). The event that has the potential to create the greatest off-site noise impact is an outdoor wedding. Thus, the noise impact presented herein focuses on an outdoor wedding.

It is anticipated that a typical outdoor wedding will consist of an outdoor ceremony near the pond, a dinner reception in a tent to the south of the estate or lodge building, and a dance inside the estate or lodge building. Once both phases have been constructed, two outdoor wedding ceremonies will be able to run concurrently. The three-season pavilion may also be used to accommodate an additional indoor event (e.g. a corporate retreat).

According to the schedule provided by the inn owners, a typical wedding timeline is:

- 2:00 pm - overnight guests check in;
- 3:30 pm - guests arrive;
- 4:00 pm to 4:30 pm - background music as guests arrive for ceremony;
- 4:30 pm to 5:00 pm - ceremony;
- 5:00 pm to 6:10pm - cocktails and hors d'oeuvres including background music;
- 6:15 pm to 6:30 pm - guests are seated and the bridal party arrives;
- 6:45 pm to 8:45 pm - dinner services and speeches with background music;
- 9:00 pm - guests go indoors for dance/bar;
- 10:00 pm - late night food, cut wedding cake, guests start to depart; and
- 12:00 am - wedding ends, guests leave and facilities are closed for the night.

The schedule is occasionally adjusted to accommodate wedding ceremonies that are 1 hour long (i.e. 4:00 pm to 5:00 pm).

Note that the outdoor ceremony and reception occur during the daytime and evening hours. The dance will occur during the evening and nighttime hours and will occur inside the estate or lodge building.

### **1.3 NOISE SENSITIVE RECEPTORS**

The closest noise-sensitive receptor to the site is the future detached dwelling at the adjacent property to the north. The other noise-sensitive receptors included in the assessment are the existing residential dwellings on Skill Hill Road, Meadowview Road and Mount Nebo Road, a future residential dwelling on Mt. Nebo Road, and dwellings in the population centre of Omeme.

In total, nine (9) receptors were included in the assessment. The receptors used in the assessment are described as:

- R01 - representing the future dwelling to the north of site, on the east side of Ski Hill Road;
- R02 and R03 - representing the existing dwellings to the west of the site, on the west side of Ski Hill Road;
- R04 and R05 - representing the existing dwellings to the south of the site, on the south side of Meadowview Road;

- R06 - representing the existing dwelling to the southeast of the site, on the west side of Mount Nebo Road;
- R07 - representing the future dwelling to the east of the site, on the east side of Mount Nebo Road;
- R08 - representing the existing dwelling to the east of the site, on the south side of Helen Drive; and
- R09 - representing the existing dwellings to the north of the site, in the population centre of Omeme.

All receptors were assessed at a height of 4.5 m above grade, representing worst-case second storey windows.

Note that the location of the proposed dwelling to the north is currently not known. In accordance with NPC-300 recommendations regarding vacant lots greater than 1 hectare, the receptor was placed at the centre of a 1 hectare area representing the likely location of the dwelling.

## **2.0 ENVIRONMENTAL NOISE GUIDELINES**

### **2.1 CITY OF KAWARTHA LAKES BY-LAW NO. 2005-25**

The City of Kawartha Lakes has a noise by-law (By-law No. 2005-25) which regulates noise that is likely to disturb the inhabitants of the City of Kawartha Lakes.

Schedule "B" to the by-law provides specific noise prohibitions by time of day and place. These include noise created by yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments, from 2100 to 0700. Also, the operation of any device or group of devices intended for the production, reproduction or amplification of voices or sound is prohibited from 2300 to 1100 hours. The above prohibitions relate to sounds from the indicated activities during the prohibited time periods from being audible to a person in a premises or to a person in a residence.

### **2.2 MOE NOISE GUIDELINES**

MOE publication NPC-300 (*"Noise Guidelines, Stationary and Transportation Sources – Approval and Planning"*) provides numerical criteria for sound levels from new, expanded or altered facilities such as commercial uses or industries. These are referred to as "stationary sources" in the MOE guidelines.

Under NPC-300, the sound level limits are defined based on the "Class" of the area:

- Class 1 Area means an area with an acoustical environment typical of a major population area, where the background noise is dominated by the urban hum;
- Class 2 Area means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
  - ▶ sound levels characteristic of Class 1 during the daytime (0700 to 1900 or 2300 hours); and

- ▶ low evening and nighttime background sound level defined by natural environment and infrequent human activity starting as early as 1900 hours (1900 or 2300 to 0700 hours)
- Class 3 Area means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:
  - ▶ a small community;
  - ▶ an agricultural area;
  - ▶ a recreational area such as a cottage or resort area; or
  - ▶ a wilderness area.

Receptors R01 to R08 are in an area that is considered Class 3. Receptor R09, located in the population centre of Omeme, is in an area that is considered Class 2.

The guidelines indicate that the one-hour equivalent continuous A-weighted sound pressure level ( $L_{eq}$ , expressed in dBA) from the stationary source cannot exceed the higher of the background sound level due to road traffic or the exclusionary sound level limits listed in Table 1, in any hour of the day. The limits apply at the exterior plane of window (at all times) and at outdoor points of reception during the daytime and evening. There are no sound level limits indoors at any time or at outdoor points of reception during the nighttime.

Due to the low traffic volumes and setbacks from the surrounding roadways, the exclusionary sound level limits were applied to all receptors in the assessment.

MOE Publication NPC-104, “*Sound Level Adjustments*”, outlines adjustments to be made to sounds that are more noticeable and more likely to be considered as disturbing. Sounds from music at the wedding events are considered to be tonal. In accordance with NPC-104, sound levels from the wedding ceremony, reception and dance have been increased by 5 dBA for assessment against the guideline limits. The 5 dBA adjustment has been applied to both the speech and music sources.

### **3.0 NOISE IMPACT ASSESSMENT**

#### **3.1 ACOUSTICAL MODEL**

A 3-D acoustical model of the proposed country inn was developed using CadnaA V4.6 environmental noise modelling software. The calculations were done following the protocol of ISO Standard 9613-2, “*Acoustics – Attenuation of Sound During Propagation Outdoors*”, to determine the sound levels at each receptor. Accounting for distance attenuation, ground attenuation and relevant screening, where present, the sound level (in terms of one-hour  $L_{eq}$ ) from the wedding events was determined for each receptor location. The existing grading for the site and surrounding areas was used in the assessment. Hard ground ( $G = 0.0$ ) was used for the paved areas and water. Soft ground ( $G = 1.0$ ) was used for the grass or tree-covered areas.

#### **3.2 OPERATING SCENARIOS**

Nestleton Waters Inn is the business currently operated by the Kiezebrinks since 2008, the family who wish to purchase the land near Omeme to build a second country inn. The scenarios outlined

below are taken from the on-going business practices of Nestleton Waters Inn, taking into account the requirements of the City of Kawartha Lakes Noise Bylaw and moving any outdoor tented events indoors before 21:00 hours. The MOE noise guidelines require assessing the noise impact during the “predictable worst case” hour. The predictable worst case operating scenarios at the site (each reflecting one part of the wedding ceremony) are described below.

- Regular wedding ceremony during the daytime (likely between 1600 and 1700):
  - ▶ 134 car movements (arriving and departing) the site;
  - ▶ 14 bus movements (arriving and departing) the site;
  - ▶ 10 minutes of music at the ceremony venues near each of the two ponds; and
  - ▶ 20 minutes of speaking at the ceremony venues near each of the two ponds.
- Long wedding ceremony during the daytime (likely between 1600 to 1700):
  - ▶ 10 minutes of music at the ceremony venues near each of the two ponds; and
  - ▶ 50 minutes of speaking at the ceremony venues near each of the two ponds.
- Reception dinner during the evening - primarily speech (any hour between 1900 and 2045):
  - ▶ 60 minutes of speaking at the tent next to each of the two lodges.
- Reception dinner during the evening - primarily background music (any hour between 1900 and 2045):
  - ▶ 60 minutes of music at the tent next to each of the two lodges.
- Indoor dance during the nighttime (typically between 2300 and 2400):
  - ▶ 134 car movements (arriving and departing) the site;
  - ▶ 14 bus movements (arriving and departing) the site;
  - ▶ 60 minutes of music played inside each of the two lodges; and
  - ▶ 60 minutes of music played inside the pavilion (assumes a third event is occurring on site).

### **3.3 NOISE SOURCES**

The following assumptions were made regarding the noise sources used in the assessment:

- the sound levels during the ceremony (both speech and music) are modelled as 70 dBA at 15 m;
- the sound levels during the reception dinner (both speech and music) are modelled as 70 dBA at 15 m;
- the number of cars and buses arriving and departing the ceremony were based on the Traffic Impact Study, prepared by Tranplan Associates, dated October 2015;
- cars were modelled with a sound power level of 80 dBA, at a height of 0.6 m above grade;
- buses were modelled as medium trucks with a sound power level of 100 dBA, at a height of 1.5 m above grade;
- all vehicles were assumed to travel at 20 km/h while on site;

- the indoor sound during the dance is approximately 84 dBA. The dance area inside the estate or lodge was assumed to have a roof to the exterior directly above. The roof was taken to have a Sound Transmission Class rating of 37. Based on the indoor banquet area being 20 m x 20 m, the sound power radiated to the exterior was calculated accounting for the indoor sound level and roof construction.
- noise from events at the pavilion were modelled propagating out to the exterior in the same way as for the banquet areas in the estate and lodge;
- screening from structures and tents were not included in the assessment, with the exception of a reduction in sound radiated from inside the lodge to the outside in the nighttime as outlined above;
- directivity due to the orientation of the speakers and directions of the door openings were not included in the assessment. Sound was conservatively modelled as radiating equally in all directions.

### **3.4 RESULTS**

#### **3.4.1 MOE Noise Guideline Limits**

Figures 3 to 8 and Table 2 summarize the sound levels and the guideline limits at all receptors.

As can be seen in the figures and table, a sound level excess of 3 dB occurs at R01 (the future dwelling to the north) during the evening dinner reception scenario. The noise guideline limits are met at all other receptors, in all other scenarios.

Several options are available to mitigate the excess. The options include:

- limiting the maximum sound level produced outdoors during the evening receptions. A 3 dB reduction will result in the guideline limits being met;
- constructing a 5.0 m high sound barrier (acoustic fence and/or berm) along a portion of the north property line. The location of the berm is shown on Figures 9 and 10;
- orienting the tent locations relative to the buildings such that they provide acoustical screening to the lot to the north; and
- orienting the speakers such that they point away from the receptor.

With the incorporation of the mitigation measures above (or a combination thereof), the noise guideline limits will be met at all noise sensitive receptors in the vicinity of the development.

Any sound barriers must be of solid construction having no gaps, cracks or holes and have a minimum surface density of 20 kg/m<sup>2</sup>. This can be met with a variety of materials, such as metal sandwich (double skin) panels, wood or concrete.

Note that the above recommendations assume that the sound power level from the dinner music and speeches can be limited. This may be achieved by utilizing a “sound level feedback system” to quantify the sound level during a performance. These are widely available commercially, and many products can be configured to reduce power to the amplifiers if the target sound level is exceeded.



### 3.4.2 City of Kawartha Lakes Noise By-law

As outlined in Section 2.1 of this report, there are two sections of the Noise By-law that are applicable to this proposed development.

Schedule B Activity 3 prohibits amplification, production or reproduction of voices or sound from being audible at the premises of a person or in a residence of a person between 2300 one day to 1100 the next day.

Schedule B Activity 11 prohibits yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments between 2100 one day to 0700 the next day from being audible at the premises of a person or in a residence of a person.

To address the above by-law requirements,

- outdoor dinner services which could have amplified speech and reproduced background music will end before 2100 hours;
- louder dance music will only be permitted in indoor spaces such as within the estate lodge or in the pavilion;
- the indoor spaces will be designed to mitigate sound emissions to the exterior;

Figure 8 shows the predicted sound levels at the receptors due to loud dance music within all three venues, including the 5 dBA adjustment. These sound levels are not expected to be audible at the receptor locations.

Based on the above, noise emissions from the facility should comply with the City of Kawartha Lakes Noise By-law.

## 4.0 CONCLUSIONS

With the proposed configuration of the site, a suitable acoustical environment can be provided for the neighbouring dwellings and the applicable MOE noise guidelines can be met.

This feasibility study was completed using the Concept Plan. Once detailed information about the facilities to be constructed on site are available, the drawings will need to be reviewed to ensure adequate noise mitigation is provided.

## 5.0 REFERENCES

1. "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning", Ontario Ministry of the Environment, Publication NPC-300, October 2013.
2. "Sound Level Adjustments", Ontario Ministry of the Environment, Publication NPC-104, August 1978.
3. "City of Kawartha Lakes By-law No. 2005-25", June 15, 2009.

SNJ/EK  
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**TABLE 1**  
**EXCLUSIONARY SOUND LEVEL LIMITS FOR CLASS 2 AND CLASS 3 AREAS**

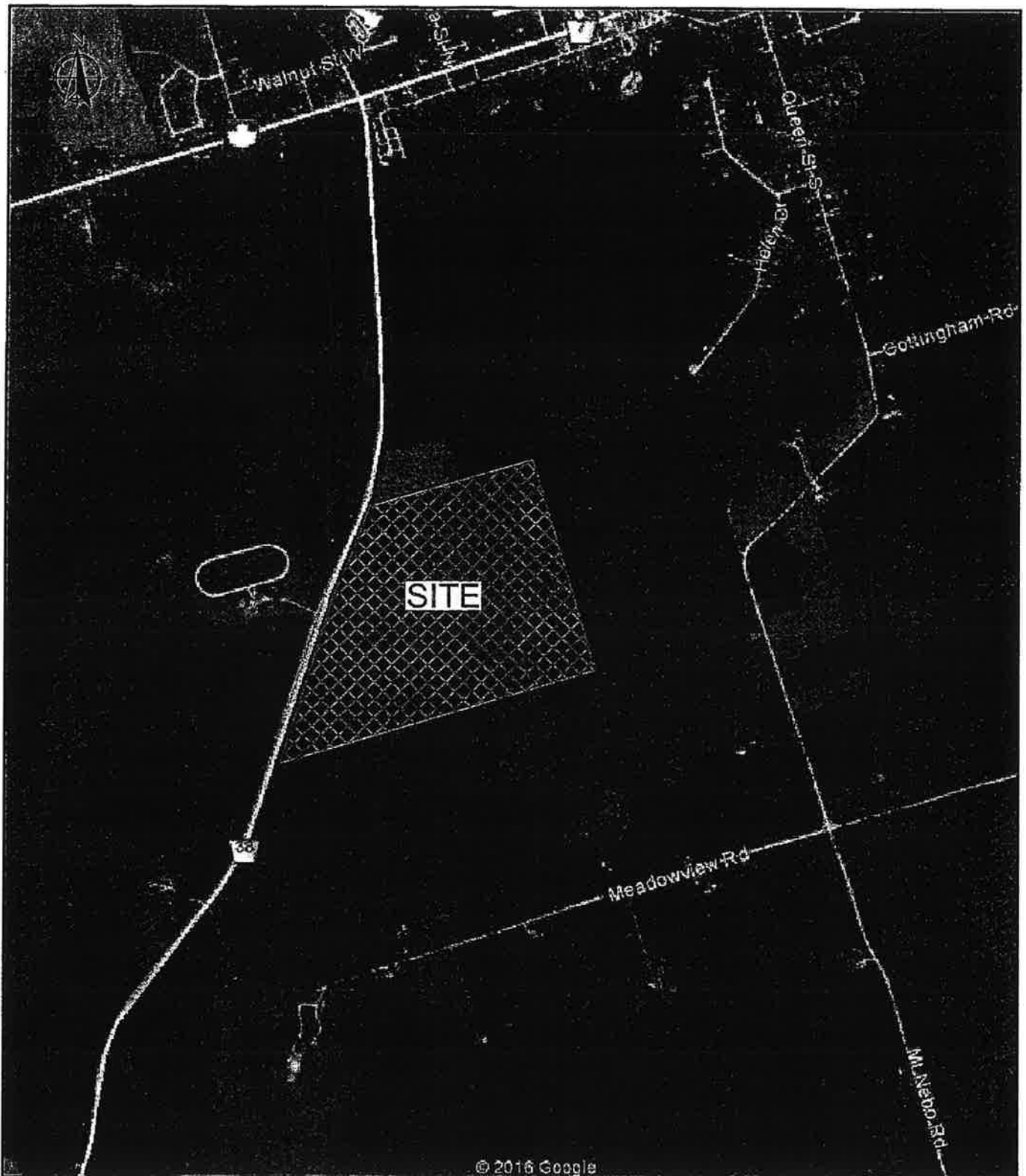
Time of Day	Class 2 Area One-Hour $L_{eq}$ (dBA)	Class 3 Area One-Hour $L_{eq}$ (dBA)
<i>Plane of Window of Noise Sensitive Spaces</i>		
Daytime (0700 - 1900 hours)	50	45
Evening (1900 - 2300 hours)	50	40
Nighttime (2300 - 0700 hours)	45	40
<i>Outdoor Points of Reception</i>		
Daytime (0700 - 1900 hours)	50	45
Evening (1900 - 2300 hours)	45	40

**TABLE 2**  
**UNMITIGATED SOUND LEVELS**

Receptor <sup>(1)</sup>	Predicted Sound Levels (dBA)								
	Ceremony – Daytime (0700 to 1900)	Long Ceremony – Daytime (0700 to 1900)	Daytime Guideline Limit <sup>(2)</sup>	Dinner Reception (Mostly Speech) – Evening (1900 to 2300)	Dinner Reception (Mostly Music) – Evening (1900 to 2300)	Evening Guideline Limit <sup>(2)</sup>	Dance – Nighttime (2300 to 0700)	Dance (No Vehicles) – Nighttime (2300 to 0700)	Nighttime Guideline Limit <sup>(2)</sup>
R01	37	40	45	43	41	40	25	18	40
R02	34	33	45	36	36	40	31	17	40
R03	29	31	45	34	34	40	22	15	40
R04	24	27	45	29	29	40	7	4	40
R05	29	32	45	34	32	40	12	10	40
R06	31	34	45	34	33	40	10	7	40
R07	37	40	45	39	37	40	17	15	40
R08	38	41	45	38	36	40	15	14	40
R09	30	33	50 <sup>(3)</sup>	32	31	50 <sup>(3)</sup>	13	11	45 <sup>(3)</sup>

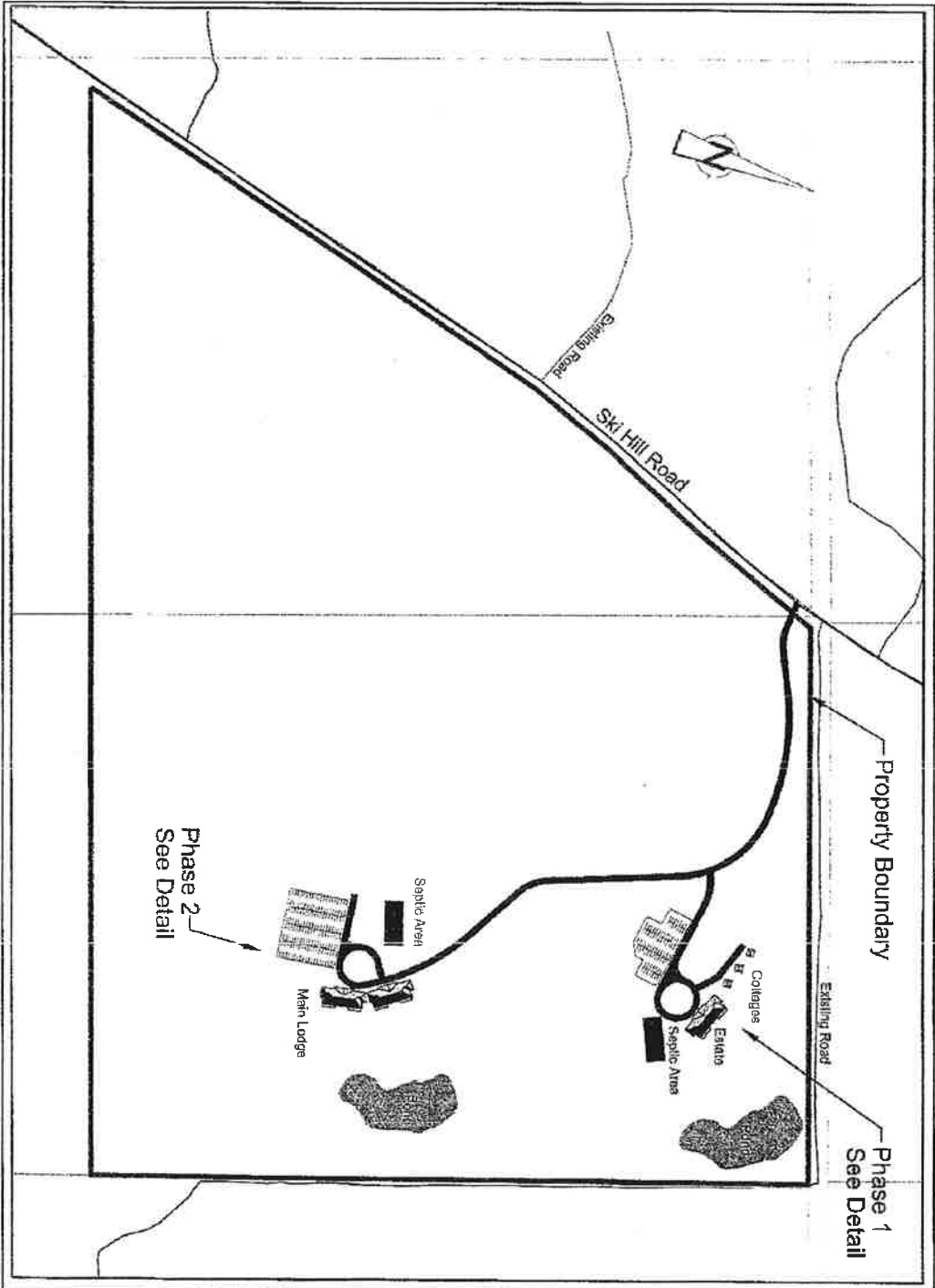
**Notes**

- (1) See Figures 3 to 5.  
(2) MOE Class 3 minimum exclusion limit except where noted.  
(3) MOE Class 2 guideline limit.



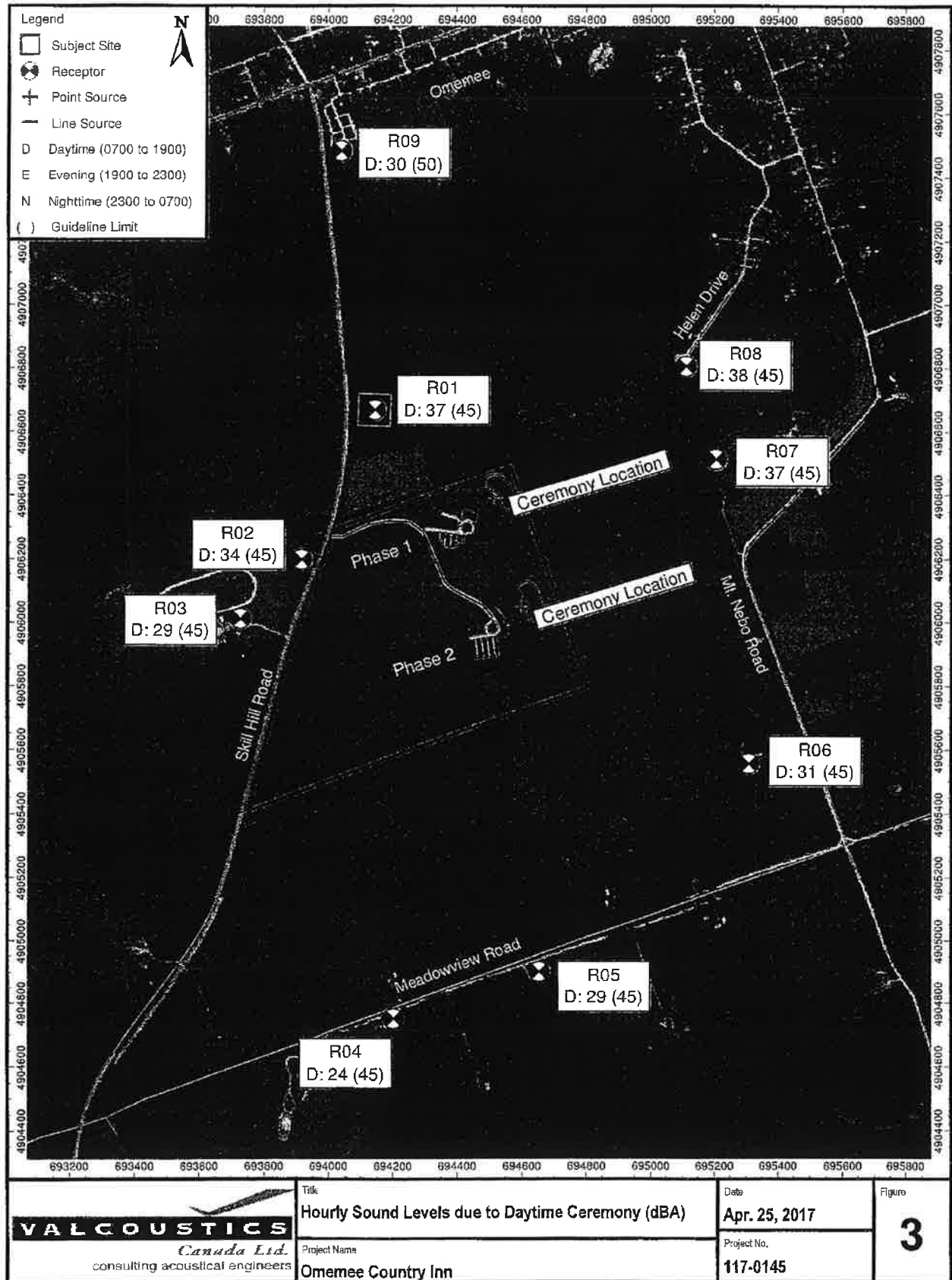
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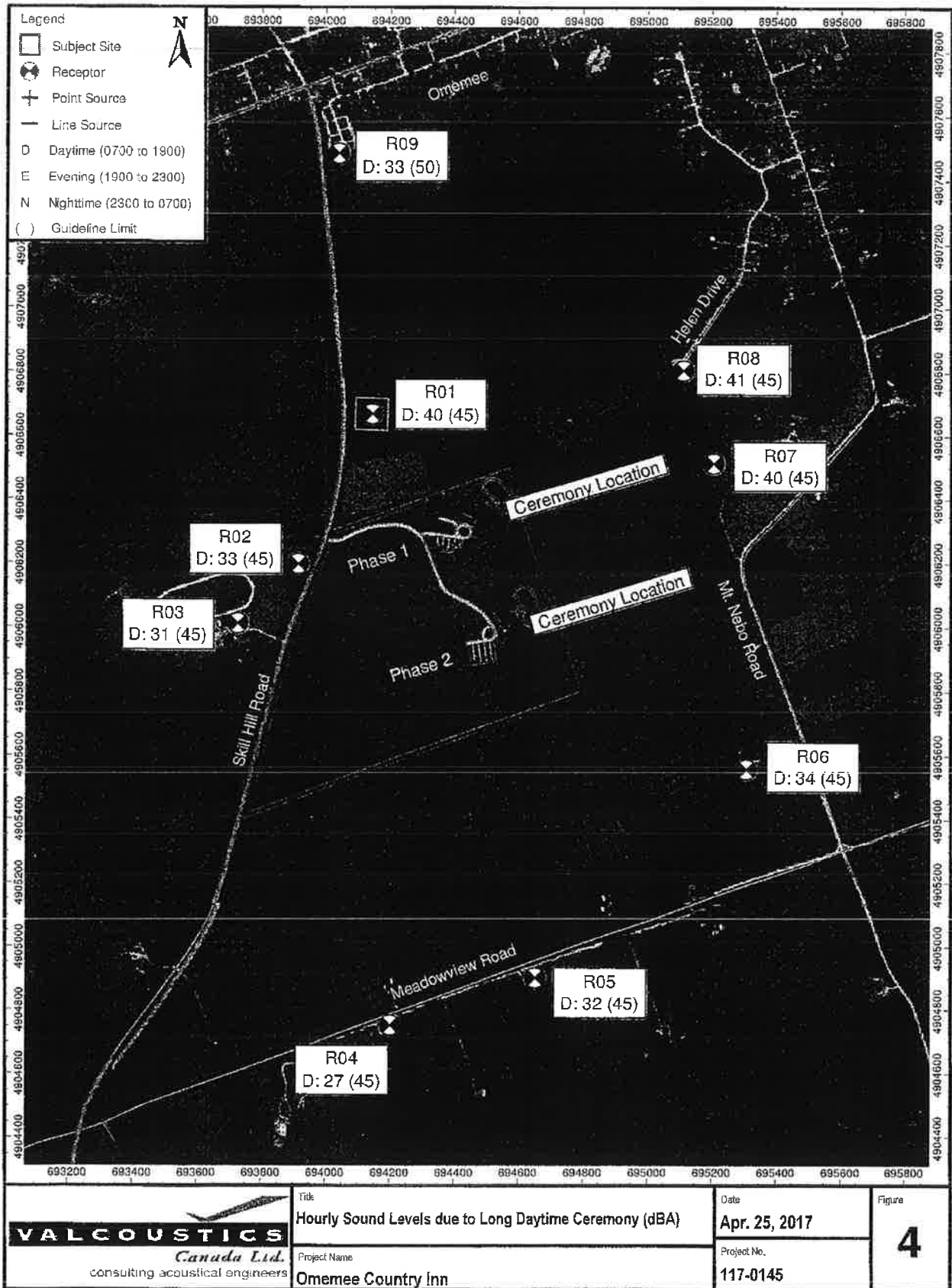
BASE DRAWING BY ECOVUE

No.	Revision/Issue	Date	<b>VALCOUTISTICS</b> <i>Canada Ltd.</i> 30 Westlawn Court, Unit 25 Richmond Hill, Ontario Canada L4B 1B9 ecoulements@valcoustics.com Phone: (905) 764-5223 Fax: (905) 764-0813		
			Title	Project No.	Date
			Concept Plan	117-0145	Apr. 25, 2017
			Project Name	Scale	Figure
			Omeme Country Inn	N.T.S.	2

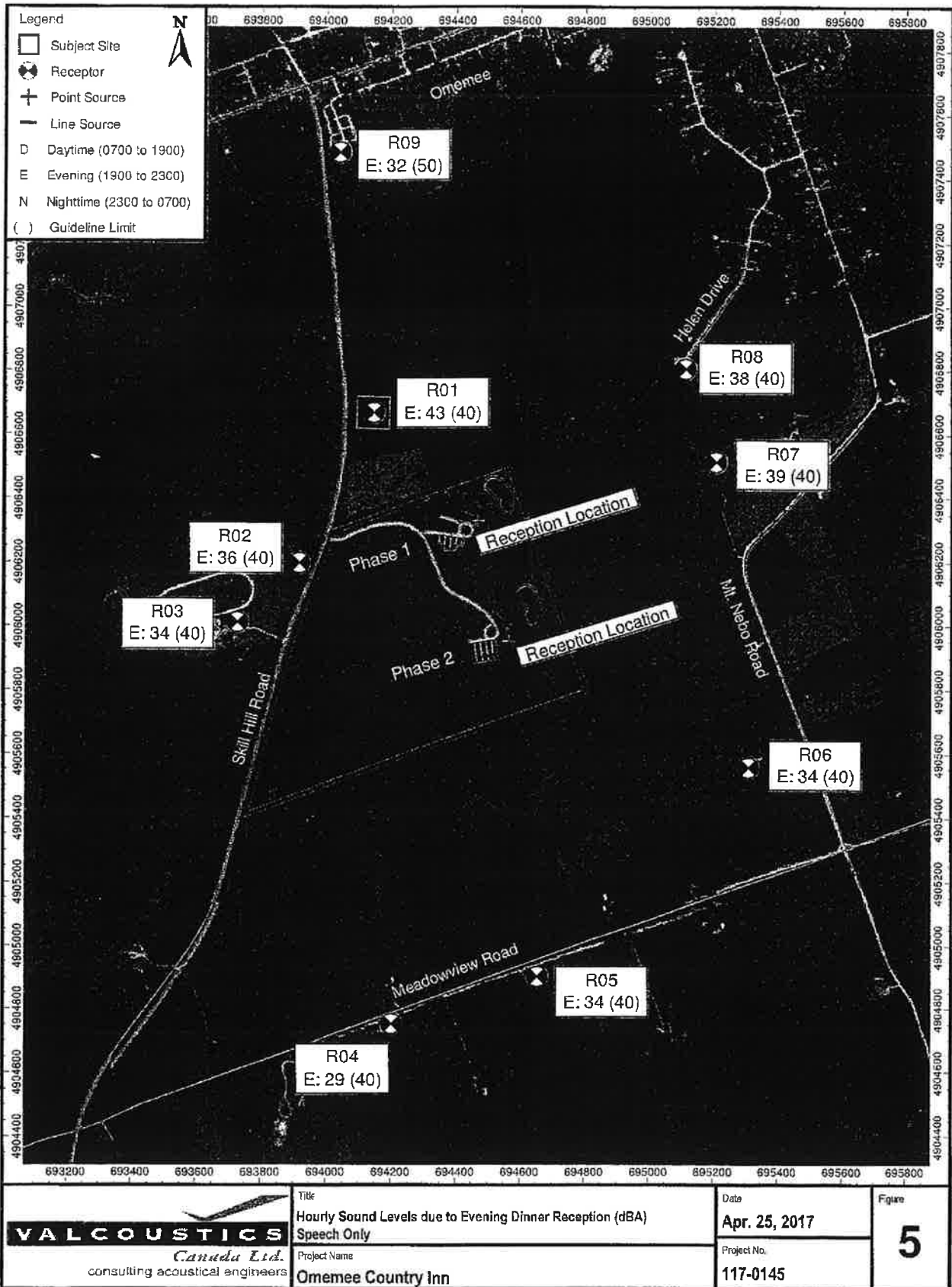


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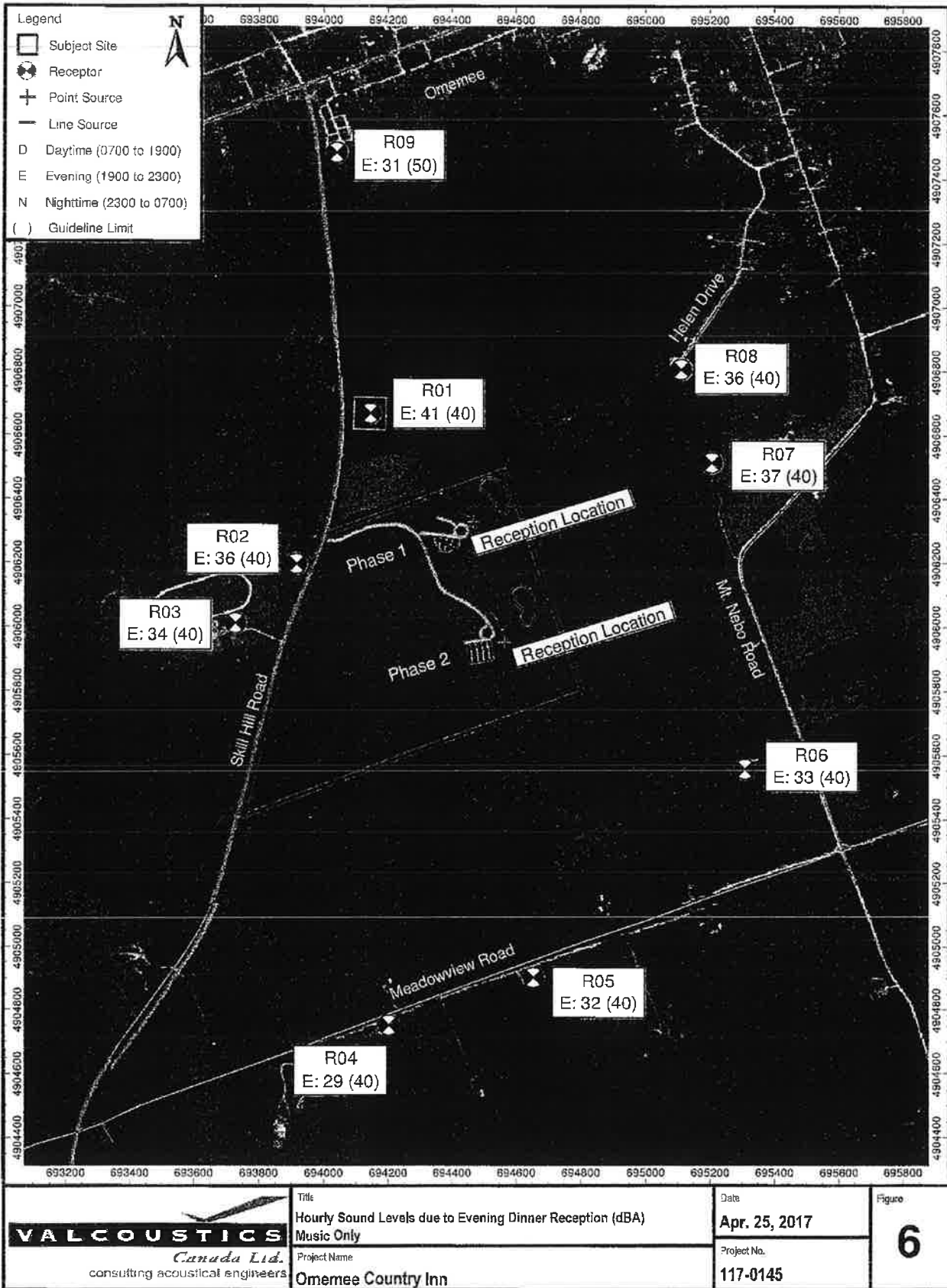


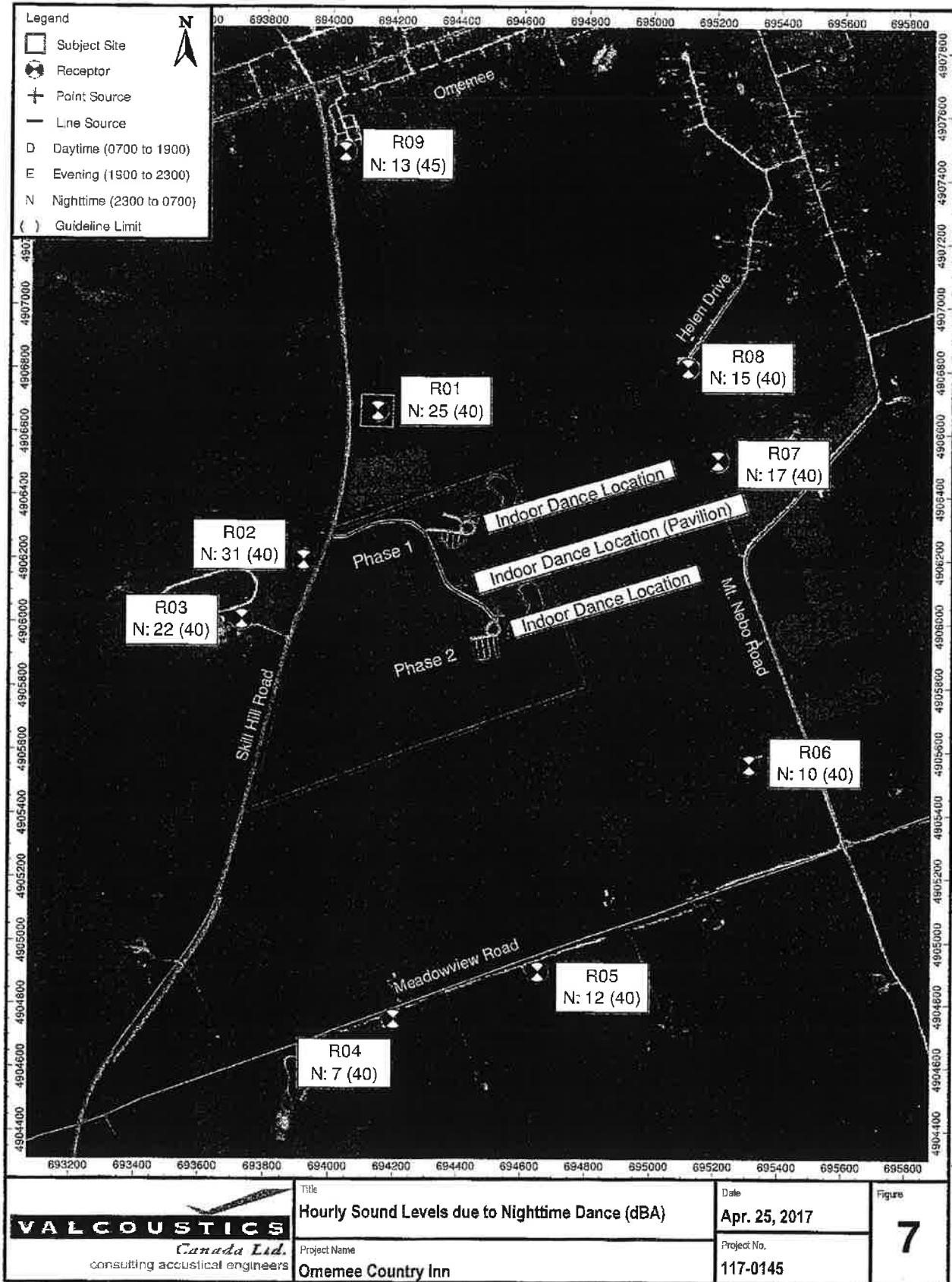




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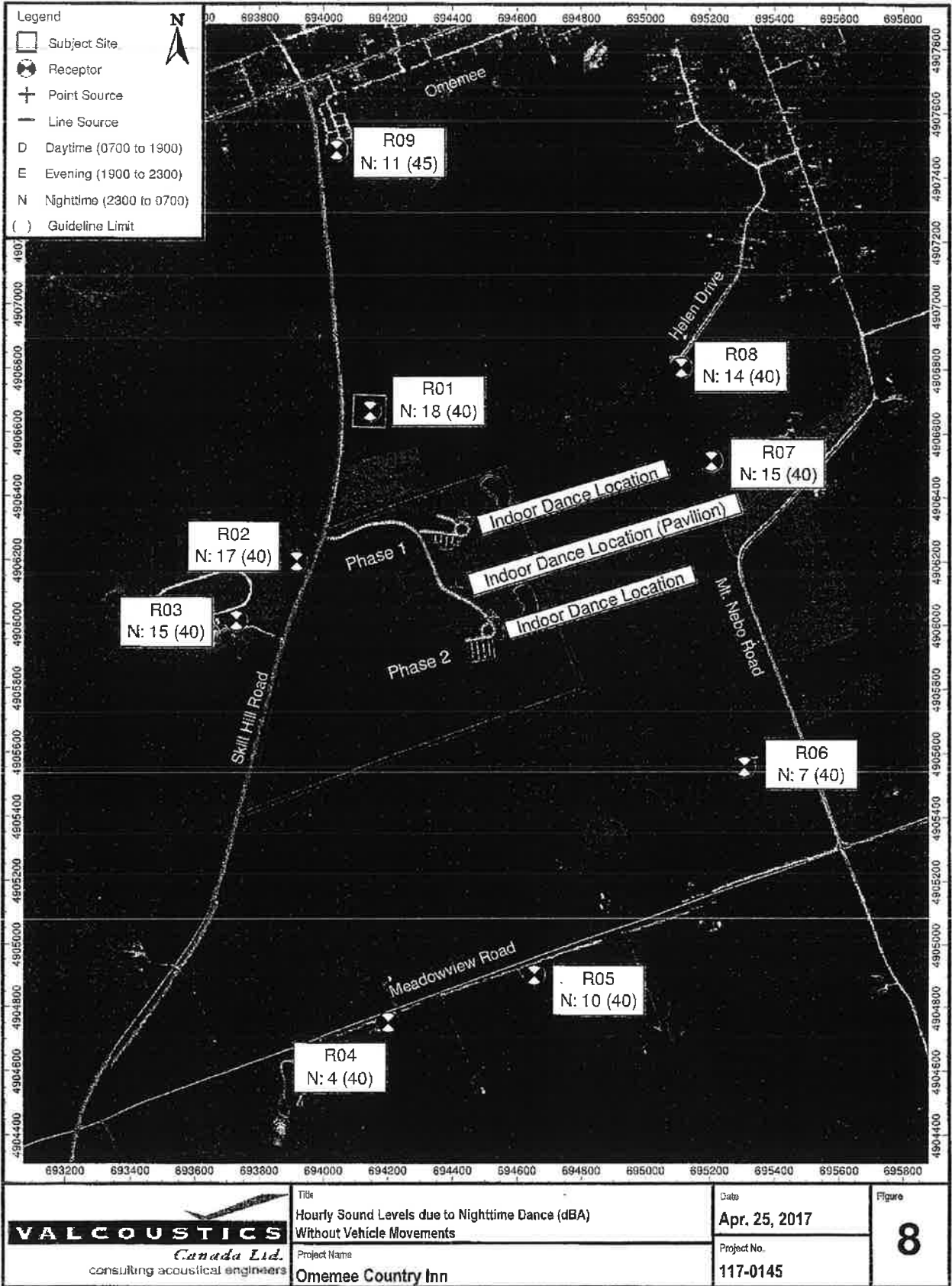
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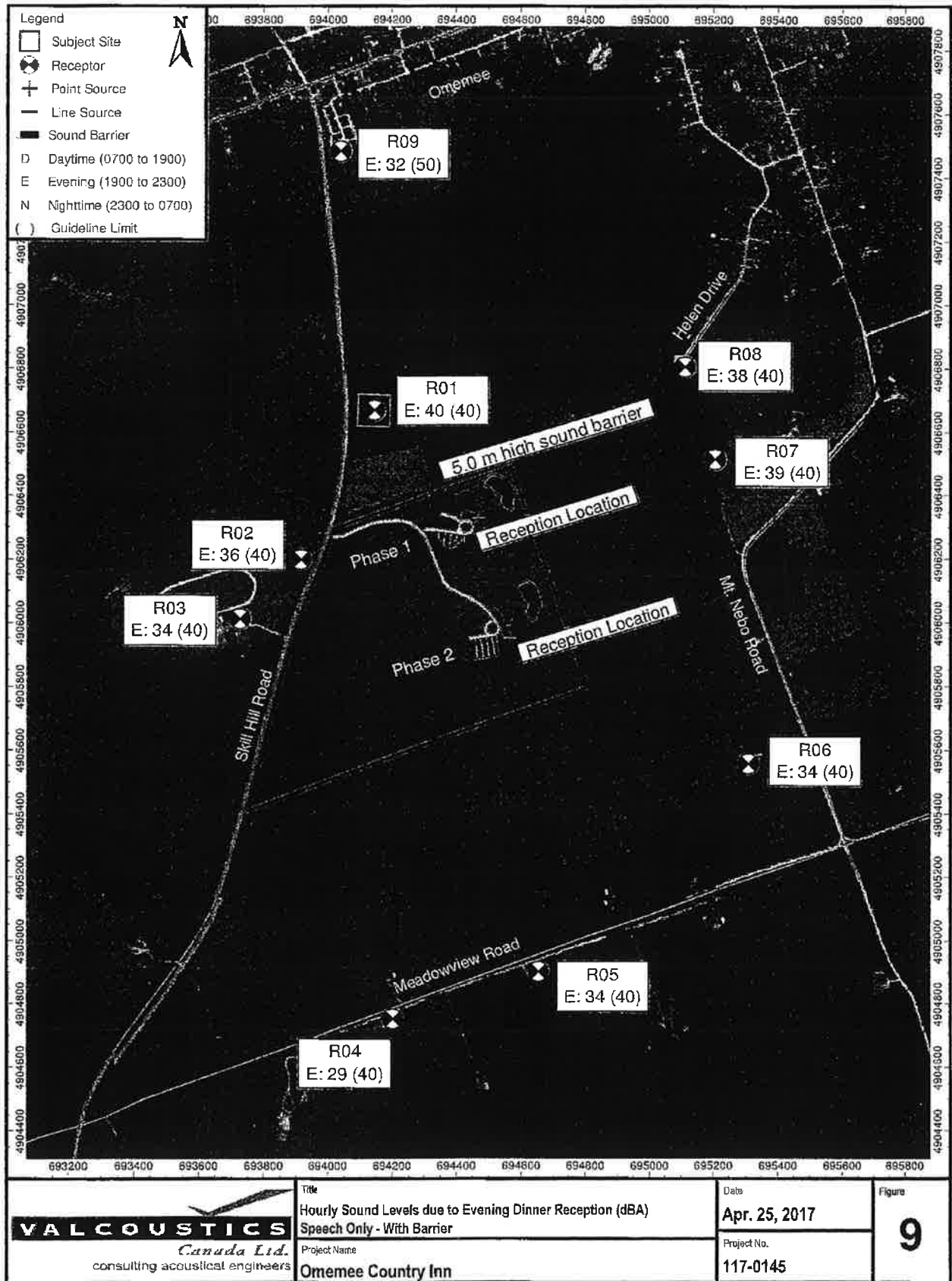




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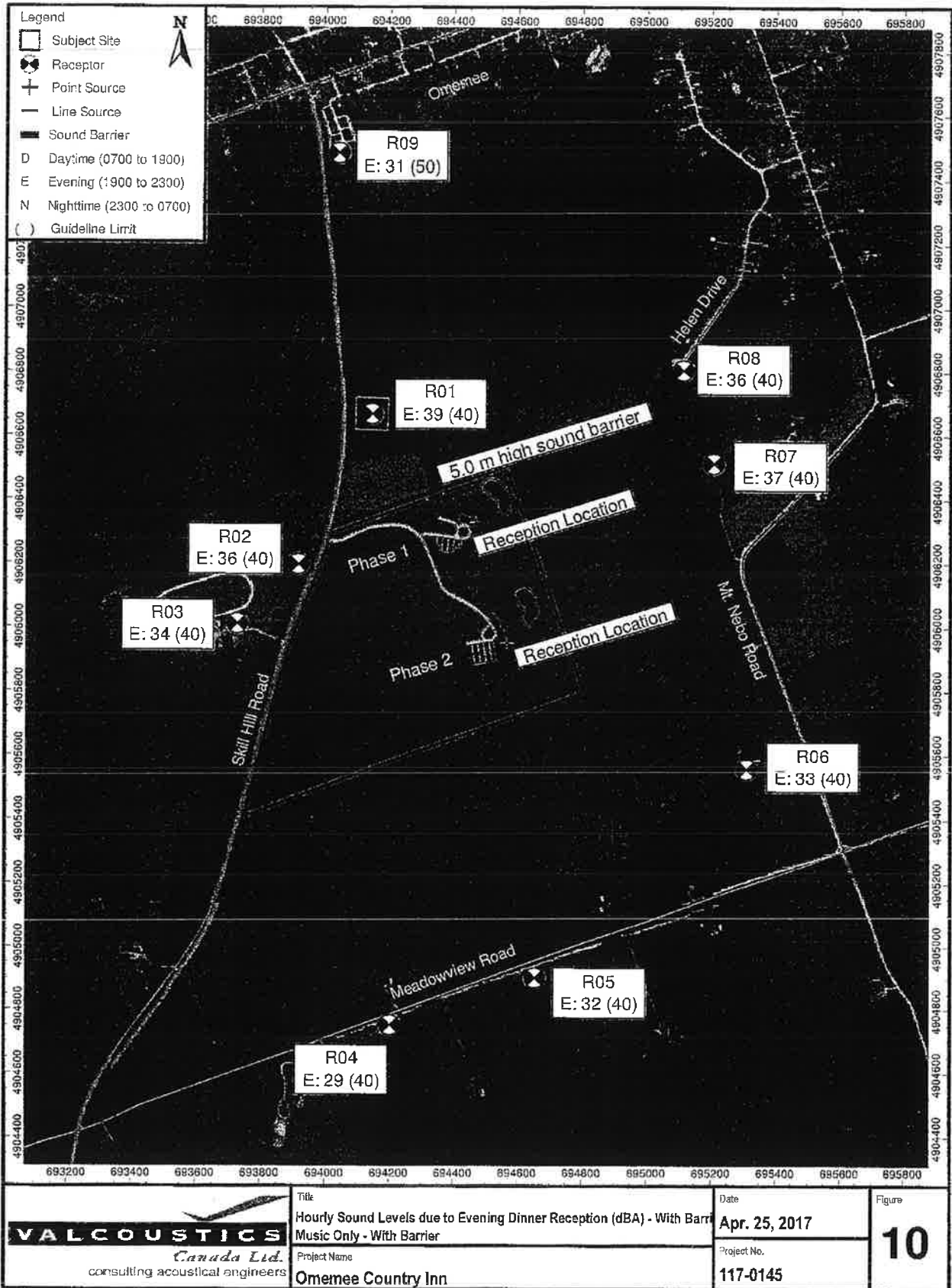
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Date Plotted: 25.04.17

## **APPENDIX A**

### **SAMPLE STATIONARY SOURCE SOUND LEVEL CALCULATION**







117-0145 Sample Calc - R02 during evening reception (speech)

Configuration	
Parameter	Value
General	
Country	International
Max. Error (dB)	0.00
Max. Search Radius (m)	2000.00
Min. Dist Src to Rcvr	0.00
Partition	
Raster Factor	0.50
Max. Length of Section (m)	1000.00
Min. Length of Section (m)	1.00
Min. Length of Section (%)	0.00
Proj. Line Sources	On
Proj. Area Sources	On
Ref. Time	
Reference Time Day (min)	60.00
Reference Time Night (min)	60.00
Daytime Penalty (dB)	0.00
Recr. Time Penalty (dB)	0.00
Night-time Penalty (dB)	0.00
DTM	
Standard Height (m)	250.00
Model of Terrain	Triangulation
Reflection	
max. Order of Reflection	2
Search Radius Src	100.00
Search Radius Rcvr	100.00
Max. Distance Source - Rcvr	1000.00 1000.00
Min. Distance Rcvr - Reflector	1.00 1.00
Min. Distance Source - Reflector	0.10
Industrial (ISO 9613)	
Lateral Diffraction	some Obj
Obst. within Area Src do not shield	On
Screening	Excl. Ground Att. over Barrier
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	3.0 20.0 0.0
Temperature (°C)	10
rel. Humidity (%)	70
Ground Absorption G	1.00
Wind Speed for Dir. (m/s)	3.0
Roads (RLS-90)	
Strictly acc. to RLS-90	
Railways (Schall 03 (1990))	
Strictly acc. to Schall 03 / Schall-Transrapid	
Aircraft (???)	
Strictly acc. to AzB	

Receiver  
 Name: R01  
 ID: R01  
 X: 694145.30  
 Y: 4906667.87  
 Z: 259.50

Point Source, ISO 9613, Name: "Dinner1", ID: "Dinner1Speech"																				
Nr.	X	Y	Z	Ref.	DEN	Freq.	Lw	l/a	Optime	K0	Dc	Adiv	Aatm	Agr	Afol	Ahaus	Abar	Cmet	RL	Lr
	(m)	(m)	(m)			(Hz)	(dB(A))	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB(A))
3	694467.63	4906328.28	265.28	0	D	125	75.9	0.0	0.0	0.0	0.0	64.4	0.2	6.2	0.0	0.0	0.0	0.0	0.0	5.1
3	694467.63	4906328.28	265.28	0	D	250	92.4	0.0	0.0	0.0	0.0	64.4	0.5	8.4	0.0	0.0	0.0	0.0	0.0	19.1
3	694467.63	4906328.28	265.28	0	D	500	101.8	0.0	0.0	0.0	0.0	64.4	0.9	5.0	0.0	0.0	0.0	0.0	0.0	31.5
3	694467.63	4906328.28	265.28	0	D	1000	108.0	0.0	0.0	0.0	0.0	64.4	1.7	0.7	0.0	0.0	0.0	0.0	0.0	41.2
3	694467.63	4906328.28	265.28	0	D	2000	103.2	0.0	0.0	0.0	0.0	64.4	4.5	0.0	0.0	0.0	0.0	0.0	0.0	34.2
3	694467.63	4906328.28	265.28	0	D	4000	97.0	0.0	0.0	0.0	0.0	64.4	15.3	0.0	0.0	0.0	0.0	0.0	0.0	17.2
3	694467.63	4906328.28	265.28	0	D	8000	88.9	0.0	0.0	0.0	0.0	64.4	54.7	0.0	0.0	0.0	0.0	0.0	0.0	-30.3
3	694467.63	4906328.28	265.28	0	N	125	75.9	0.0	-188.0	0.0	0.0	64.4	0.2	6.2	0.0	0.0	0.0	0.0	0.0	-182.9
3	694467.63	4906328.28	265.28	0	N	250	92.4	0.0	-188.0	0.0	0.0	64.4	0.5	8.4	0.0	0.0	0.0	0.0	0.0	-168.9
3	694467.63	4906328.28	265.28	0	N	500	101.8	0.0	-188.0	0.0	0.0	64.4	0.9	5.0	0.0	0.0	0.0	0.0	0.0	-156.5
3	694467.63	4906328.28	265.28	0	N	1000	108.0	0.0	-188.0	0.0	0.0	64.4	1.7	0.7	0.0	0.0	0.0	0.0	0.0	-146.8
3	694467.63	4906328.28	265.28	0	N	2000	103.2	0.0	-188.0	0.0	0.0	64.4	4.5	0.0	0.0	0.0	0.0	0.0	0.0	-153.8
3	694467.63	4906328.28	265.28	0	N	4000	97.0	0.0	-188.0	0.0	0.0	64.4	15.3	0.0	0.0	0.0	0.0	0.0	0.0	-170.8
3	694467.63	4906328.28	265.28	0	N	8000	88.9	0.0	-188.0	0.0	0.0	64.4	54.7	0.0	0.0	0.0	0.0	0.0	0.0	-218.3
3	694467.63	4906328.28	265.28	0	E	125	75.9	0.0	-188.0	0.0	0.0	64.4	0.2	6.2	0.0	0.0	0.0	0.0	0.0	-182.9
3	694467.63	4906328.28	265.28	0	E	250	92.4	0.0	-188.0	0.0	0.0	64.4	0.5	8.4	0.0	0.0	0.0	0.0	0.0	-168.9
3	694467.63	4906328.28	265.28	0	E	500	101.8	0.0	-188.0	0.0	0.0	64.4	0.9	5.0	0.0	0.0	0.0	0.0	0.0	-156.5
3	694467.63	4906328.28	265.28	0	E	1000	108.0	0.0	-188.0	0.0	0.0	64.4	1.7	0.7	0.0	0.0	0.0	0.0	0.0	-146.8
3	694467.63	4906328.28	265.28	0	E	2000	103.2	0.0	-188.0	0.0	0.0	64.4	4.5	0.0	0.0	0.0	0.0	0.0	0.0	-153.8
3	694467.63	4906328.28	265.28	0	E	4000	97.0	0.0	-188.0	0.0	0.0	64.4	15.3	0.0	0.0	0.0	0.0	0.0	0.0	-170.8
3	694467.63	4906328.28	265.28	0	E	8000	88.9	0.0	-188.0	0.0	0.0	64.4	54.7	0.0	0.0	0.0	0.0	0.0	0.0	-218.3

Point Source, ISO 9613, Name: "Dinner2", ID: "Dinner2Speech"																				
Nr.	X	Y	Z	Ref.	DEN	Freq.	Lw	l/a	Optime	K0	Dc	Adiv	Aatm	Agr	Afol	Ahaus	Abar	Cmet	RL	Lr
	(m)	(m)	(m)			(Hz)	dB(A)	dB	dB	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB)	(dB(A))
12	694567.04	4905952.13	279.02	0	D	125	75.9	0.0	0.0	0.0	0.0	69.4	0.3	8.4	0.0	0.0	0.0	0.0	0.0	-2.2
12	694567.04	4905952.13	279.02	0	D	250	92.4	0.0	0.0	0.0	0.0	69.4	0.9	8.4	0.0	0.0	0.0	0.0	0.0	13.7
12	694567.04	4905952.13	279.02	0	D	500	101.8	0.0	0.0	0.0	0.0	69.4	1.6	5.0	0.0	0.0	0.0	0.0	0.0	25.8
12	694567.04	4905952.13	279.02	0	D	1000	108.0	0.0	0.0	0.0	0.0	69.4	3.0	0.7	0.0	0.0	4.1	0.0	0.0	30.8
12	694567.04	4905952.13	279.02	0	D	2000	103.2	0.0	0.0	0.0	0.0	69.4	8.0	0.0	0.0	0.0	4.8	0.0	0.0	21.0
12	694567.04	4905952.13	279.02	0	D	4000	97.0	0.0	0.0	0.0	0.0	69.4	27.2	0.0	0.0	0.0	4.8	0.0	0.0	-4.5
12	694567.04	4905952.13	279.02	0	D	8000	88.9	0.0	0.0	0.0	0.0	69.4	97.1	0.0	0.0	0.0	4.9	0.0	0.0	-82.6
12	694567.04	4905952.13	279.02	0	N	125	75.9	0.0	-188.0	0.0	0.0	69.4	0.3	8.4	0.0	0.0	0.0	0.0	0.0	-190.2
12	694567.04	4905952.13	279.02	0	N	250	92.4	0.0	-188.0	0.0	0.0	69.4	0.9	8.4	0.0	0.0	0.0	0.0	0.0	-174.3
12	694567.04	4905952.13	279.02	0	N	500	101.8	0.0	-188.0	0.0	0.0	69.4	1.6	5.0	0.0	0.0	0.0	0.0	0.0	-162.2
12	694567.04	4905952.13	279.02	0	N	1000	108.0	0.0	-188.0	0.0	0.0	69.4	3.0	0.7	0.0	0.0	4.1	0.0	0.0	-157.2
12	694567.04	4905952.13	279.02	0	N	2000	103.2	0.0	-188.0	0.0	0.0	69.4	8.0	0.0	0.0	0.0	4.8	0.0	0.0	-167.0
12	694567.04	4905952.13	279.02	0	N	4000	97.0	0.0	-188.0	0.0	0.0	69.4	27.2	0.0	0.0	0.0	4.8	0.0	0.0	-192.5
12	694567.04	4905952.13	279.02	0	N	8000	88.9	0.0	-188.0	0.0	0.0	69.4	97.1	0.0	0.0	0.0	4.9	0.0	0.0	-270.6
12	694567.04	4905952.13	279.02	0	E	125	75.9	0.0	-188.0	0.0	0.0	69.4	0.3	8.4	0.0	0.0	0.0	0.0	0.0	-190.2
12	694567.04	4905952.13	279.02	0	E	250	92.4	0.0	-188.0	0.0	0.0	69.4	0.9	8.4	0.0	0.0	0.0	0.0	0.0	-174.3
12	694567.04	4905952.13	279.02	0	E	500	101.8	0.0	-188.0	0.0	0.0	69.4	1.6	5.0	0.0	0.0	0.0	0.0	0.0	-162.2
12	694567.04	4905952.13	279.02	0	E	1000	108.0	0.0	-188.0	0.0	0.0	69.4	3.0	0.7	0.0	0.0	4.1	0.0	0.0	-157.2
12	694567.04	4905952.13	279.02	0	E	2000	103.2	0.0	-188.0	0.0	0.0	69.4	8.0	0.0	0.0	0.0	4.8	0.0	0.0	-167.0
12	694567.04	4905952.13	279.02	0	E	4000	97.0	0.0	-188.0	0.0	0.0	69.4	27.2	0.0	0.0	0.0	4.8	0.0	0.0	-192.5
12	694567.04	4905952.13	279.02	0	E	8000	88.9	0.0	-188.0	0.0	0.0	69.4	97.1	0.0	0.0	0.0	4.9	0.0	0.0	-270.6