

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2020-01

Wednesday, January 15, 2020

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Tammy Smith

Jason Willock

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1. Call to Order and Adoption of Agenda

2. Declarations of Pecuniary Interest

3. Public Meeting

3.1 PLAN2020-001

4 - 18

Janet Wong, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 6, Concession 10, identified as 305 St. Luke's Road – Carroll

That Report PLAN2020-001, An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 6, Concession 10, geographic Township of Emily, identified as 305 St, Luke's Road – Bob Carroll, be received;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment to include reducing the minimum lot frontage for the retained lands, deems no further public notice to be necessary;

That application D06-2019-028, respecting a proposed Amendment to the Township of Emily Zoning By-law to rezone lands in order to fulfill conditions of consent substantially in the form attached as Appendix D to Report PLAN 2020-001 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 these applications.

4. Business Arising from Public Meeting

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2020-002

19 - 42

Sherry Rea, Development Planning Supervisor
Applications to amend the City of Kawartha Lakes Official Plan and the Township of Ops Zoning By-law 93-30 on the Lindsay Exhibition Grounds, geographic Township of Ops, and identified as 354 Angeline Street South - Lindsay Agricultural Society

That Report PLAN2020-002, Part of Lot 16, Concession 5, geographic Township of Ops, and identified as 354 Angeline Street South, Applications D01-2019-004 and D06-2019-031 be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix D to Report PLAN2020-002, be referred to Council for approval and adoption;

That a Zoning By-law Amendment, substantially in the form attached as Appendix E to Report PLAN2020-002, be referred to Council for approval and adoption; and

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

7.2 ENG2020-001

43 - 49

Christina Sisson, Supervisor, Development Engineering
Assumption of Hutton Road and Brock Street, Lindsay

That Report ENG2020-001, Assumption of Hutton Road and Brock Street, Lindsay, be received;

That the Assumption of Hutton Road and Brock Street, Lindsay, Churchdown Crossing Subdivision, Geographic Town of Lindsay, City of Kawartha Lakes, be approved;

That an Assumption By-Law, substantially in the form attached as Appendix A to Report ENG2020-001 be approved and adopted by Council; and

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

8. Adjournment

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-001

Meeting Date: January 15, 2020

Public Meeting

Title: An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 6, Concession 10, geographic Township of Emily, identified as 305 St. Luke's Road – Bob Carroll

Description: To change the zone category: 1. on the retained lands from the "Agricultural (A1) Zone" to "Environmental Protection (EP) Zone" to preclude development within significant woodlands and to an "Agricultural Exception ** (A1-**) Zone" to recognize a reduced lot area over the balance of the retained A1 Zone lands; and, 2. on the severed lands from the A1 Zone to an EP Zone to restrict development from the significant woodlands and buffer, as well as to a "Hamlet Residential Zone-Exception ** (HR-**) Zone" to not require yard or setbacks from the EP Zone boundary on land described as Part Lot 6, Concession 10, geographic Township of Emily, City of Kawartha Lakes, identified as 305 St, Luke's Road (Bob Carroll).

Ward Number: Ward 6

Author and Title: Janet Wong

Recommendations:

That Report PLAN 2020-001, An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 6, Concession 10,

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

geographic Township of Emily, identified as 305 St, Luke's Road – Bob Carroll, be received;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment to include reducing the minimum lot frontage for the retained lands, deems no further public notice to be necessary;

That application D06-2019-028, respecting a proposed Amendment to the Township of Emily Zoning By-law to rezone lands in order to fulfill conditions of consent substantially in the form attached as Appendix 'D' to Report PLAN 2020-001 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 these applications.

Background:

On March 21, 2019, provisional consent was granted by the Committee of Adjustment, as delegated by Council, for applications D03-16-015, D03-16-016, D03-16-017, and D03-16-018 to sever four hamlet residential lots and retain approximately 16 ha. of agricultural lands and woodland. One proposed residential lot (Lot 1) has an existing dwelling, while the remaining proposed lots are vacant.

As conditions of provisional consent the lands are to be rezoned:

- a. on the severed lands to a Hamlet Residential Exception * (HR-*) Zone and Environmental Protection (EP) Zone to restrict development within natural heritage features and the 30 metre buffer with no further setback requirement from the EP Zone boundary; and
- b. on the retained lands to recognize the resultant undersized retained lot with two zones and on part of the retained lands to rezone to an EP Zone to reflect the boundary of the significant natural heritage.

Owner: Robert (Bob) Carroll
 Applicant: EcoVue Consulting Services Inc. (Ken Hurford)
 Legal Description: Part Lot 6, Concession 10, geographic Township of Emily
 Official Plan: Hamlet – retained and severed lands
 Environmental Protection and Prime Agricultural – retained lands
 City of Kawartha Lakes Official Plan
 Zone: Agricultural (A1) Zone – severed and retained lands
 Environmental Protection (EP) Zone – retained lands
 Schedule 'B' of the Township of Emily Zoning By-law 1996-30
 Lot Area: Existing 16 ha. [approximate - Applicant]

Proposed Lots	Area (hectares)	Frontage (metres)
D03-16-015 (Lot 1)	0.49	78.8
D03-16-016 (Lot 2)	0.32	30.4
D03-16-017 (Lot 3)	0.40	30.4
D03-16-018 (Lot 4)	0.40	30.4
Retained	14.7	62.3

Site Servicing: Private individual well and septic system currently serving existing dwelling
 Existing Uses: Large lot rural residential

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

Rationale:

The property is located on the north side of St. Luke's Road (Appendix "A"). Emily Creek crosses through the western side of the property and forms the western boundary of that part of the property in the hamlet settlement area of Downeyville. The balance of the property is outside of the settlement area. The proposed lots are within the Downeyville hamlet settlement area boundary. The applicant has submitted the required application to amend the Zoning By-law to fulfil conditions of provisional consent approval.

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

1. Planning Justification Report (EcoVue Consulting Services, dated July 23, 2019). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law 1996-30.
2. Lot Layout and Proposed EP Zone Boundary Sketch (EcoVue Consulting Services, dated November 13, 2019) (Appendix C).
3. Preliminary reference plan (Coe Fisher Cameron Land Surveyors, dated October 25, 2019).

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed zoning by-law amendment. Staff has evaluated the appropriateness of the proposal as responses from other City Departments and commenting Agencies have been received.

Provincial Policy Conformity

1. Growth Plan for the Greater Golden Horseshoe (2019):

This application must conform to the applicable policies of the Growth Plan (GP). Section 2.2.1.2d) directs development to settlement areas. The proposed lots are within the hamlet of Downeyville. Therefore, this application appears to conform to the policies of the Growth Plan.

2. Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest. Section 1.1.4.2 of the PPS provides that rural settlement areas shall be the focus of development in rural areas. Section 1.6.6.4 allows for individual on-site water and sewage services provided that site conditions are suitable for the provision of the services with no negative impacts. Furthermore, this is only permitted for infilling and minor rounding out of existing development. Section 2.1.5b) states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Section 3.1 directs development to areas outside the flood plain.

As previously indicated, the proposed lots are within a rural settlement area. The proposed lots are considered to be infill development. Through the review of the consent applications, it has been demonstrated that individual private septic systems and wells can be provided without adversely affecting adjacent development. The applicant also provided an Environmental Impact Study (EIS) (Cambium Inc., August 5, 2015) in support of the consent applications. The EIS defined the extent of significant woodland, which encompasses a wetland area. The provision of a 30 metre buffer to the natural feature would limit any negative impact from the new residential use on the features and ecological functions. A flood plain analysis of Emily Creek demonstrated that the proposed residential lots would be outside the flood plain of the creek.

The application to rezone the natural feature and 30 m. buffer area would ensure the intent of the PPS to provide for the long term protection of this natural area for its economic, environmental and social benefits is met.

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

City of Kawartha Lakes Official Plan Conformity:

The property is mainly designated Hamlet with Environmental Protection (EP), following Emily Creek, in the City of Kawartha Lakes Official Plan (CKLOP). West of Emily Creek the property is designated Prime Agricultural. The EP designation is intended to apply to provincially significant wetlands, watercourses and floodplains. These features are not within the proposed residential lots.

Hamlet Designation

The proposed residential lots are within the Hamlet designation which is intended to accommodate small-scale residential and non-residential development. The consent policies allow for up to six consents, including the retained lands, provided that the location will not inhibit logical growth. Generally, the minimum lot size should be 0.4 ha. Given the topography and available frontage on the retained lands, the proposed consents would not inhibit or preclude future development of the retained lands. While one lot is less than 0.4 ha, the average proposed lot size is at least 0.4 ha. Lot 2 is slightly less in area to minimize the

extent of woodland on the proposed lot and to account for the tile bed servicing Lot 1. Rezoning the proposed lots to a Hamlet Residential Zone would implement the Official Plan designation.

Natural Heritage System

The CKLOP incorporates a description of features that are to be considered part of the Natural Heritage System. Two features are unevaluated wetlands and significant woodlands. The policy direction is to encourage development to be located such that it will have minimum impact on woodlands. The EIS was prepared to demonstrate that there will be no negative impact on the woodland features and functions. As the woodland is connected to the wetland and Emily Creek, it is considered to be a significant natural heritage feature. Rezoning the woodland and buffer to an Environmental Protection zone would achieve the policy direction of the CKLOP to protect and enhance natural heritage features and areas.

The application appears to be consistent with the policies of the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

The subject land is zoned Agricultural (A1) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30. The proposed severed lots and retained lands would not comply with the A1 Zone provisions. The applicant has submitted a Zoning By-law amendment application for consideration.

Retained Lands

Only a portion of the woodland is zoned as EP Zone. The balance of the woodland should be rezoned to the EP Zone to limit uses and the construction of buildings or structures to protect this natural feature.

The General Provisions Section 3.13.2 specifies that no lot shall be created, including the retained lands, unless it complies with the lot area and lot frontage requirements of the A1 Zone. Although the A1 Zone minimum lot area is 25 ha, the retained lands will have an area of 14.7 ha. During the review of this application, it has been determined that the front lot line will be St. Luke's Road side of the retained lands. While the required minimum lot frontage is 120 m., there will only be 62.33 m. of lot frontage on St. Luke's Road. The proposed zoning by-law amendment will include reductions to the minimum lot area and lot frontage requirements.

Severed Lands

The proposed residential lots would more appropriately be zoned in the following manner.

1. The EP Zone over that portion of the lot that is within the woodland and 30 m. buffer precludes the construction of buildings and structures which would

negatively impact the natural features and ecological functions of the woodland. This will be a clearly mapped boundary for prospective owners of the lots.

2. Residential lots within Downeyville are zoned as Hamlet Residential (HR) Zone. The severed lots, being intended for hamlet residential use, should be rezoned to HR Zone to limit the permitted uses to residential and thereby the proposed lots would comply with the minimum lot area and frontage requirements of the HR Zone.

The General Provisions Section 3.18.1.1(a) requires the greater of the applicable yard for the zone or a minimum setback of 15 m. from the EP Zone boundary. The intent is to provide a 30 m. buffer to the natural feature from development. In this case, if the EP Zone is implemented as recommended, an additional setback is not warranted. In addition, Section 3.13.1 specifies that the zone boundary be treated as a lot line. The EP Zone boundary would form a rear lot line; thus the minimum 7.5 m. rear yard setback of the HR Zone would apply. There should be a special exception to the HR Zone to require a minimum 0 m. setback from the EP Zone Boundary as well as a minimum 0 m. rear yard setback.

The application appears to 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 Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with the priority a for healthy environment through protection of natural areas and prime agricultural lands by directing development to settlement areas.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The proposed new lots will be serviced by private well and septic systems. It has been demonstrated that these services can be provided without adverse impact on adjacent development or on abutting natural heritage features. A consent agreement will be registered on title, such that future owners will be advised of the lot layout requirements to ensure that the location of septic systems and wells will not interfere with adjacent development.

Consultations:

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

Agency Review Comments:

Building Division (December 12, 2019): advised that they have no concerns with the above noted application.

Building Division – Part 8 Sewage Systems (December 17, 2019): advised that they have no concerns.

Community Services Department (December 17, 2019): advised that they have no concerns with the above noted application.

Public Comments:

No comments were received from the public.

Development Services – Planning Division Comments:

The appropriate documents in support of the application have been submitted and circulated to the appropriate agencies and City Departments for review and comment. The application conforms with the Growth Plan and is consistent with Provincial Policy Statement. The application conforms with the City of Kawartha Lakes Official Plan. The proposed Zoning By-law amendment contained in Appendix “D” will ensure the retained land is preserved for agricultural use, protect the natural features and allow for suitable development of the severed lands; thereby implementing Provincial and City policies.

Building Division, Part 8 Sewage Systems has advised that there is sufficient area on the proposed new vacant lots for sewage systems outside of the EP Zone. As well, the current system on Lot 1 was constructed with a permit and is currently functioning. In the event the sewage system should fail, there is

adequate space to relocate the system outside the EP Zone in the future. The existing tile bed serving Lot 1 is considered a structure under the Building Code. As an existing structure within the proposed Environmental Protection Zone, it would be considered to be a legal non-conforming use and could continue to exist.

The Notice of Public meeting did not include a requested reduction in the minimum lot frontage. Staff respectfully recommends that in accordance with Section 34(17) of the Planning Act, Council consider the change to the proposed by-law with respect including a reduction in the A1 Zone minimum lot frontage. If Council chooses to change the proposed zoning by-law to facilitate this minor amendment, a public meeting is not required for this procedure.

Conclusion:

Staff supports the application for Zoning By-law Amendment to change the zones on the severed and retained lands based on the information contained in this report and the comments received. In consideration of the comments contained in this report, and provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report, Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photo
Appendix 'C' – Applicant Sketch
Appendix 'D' – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthalakes.ca

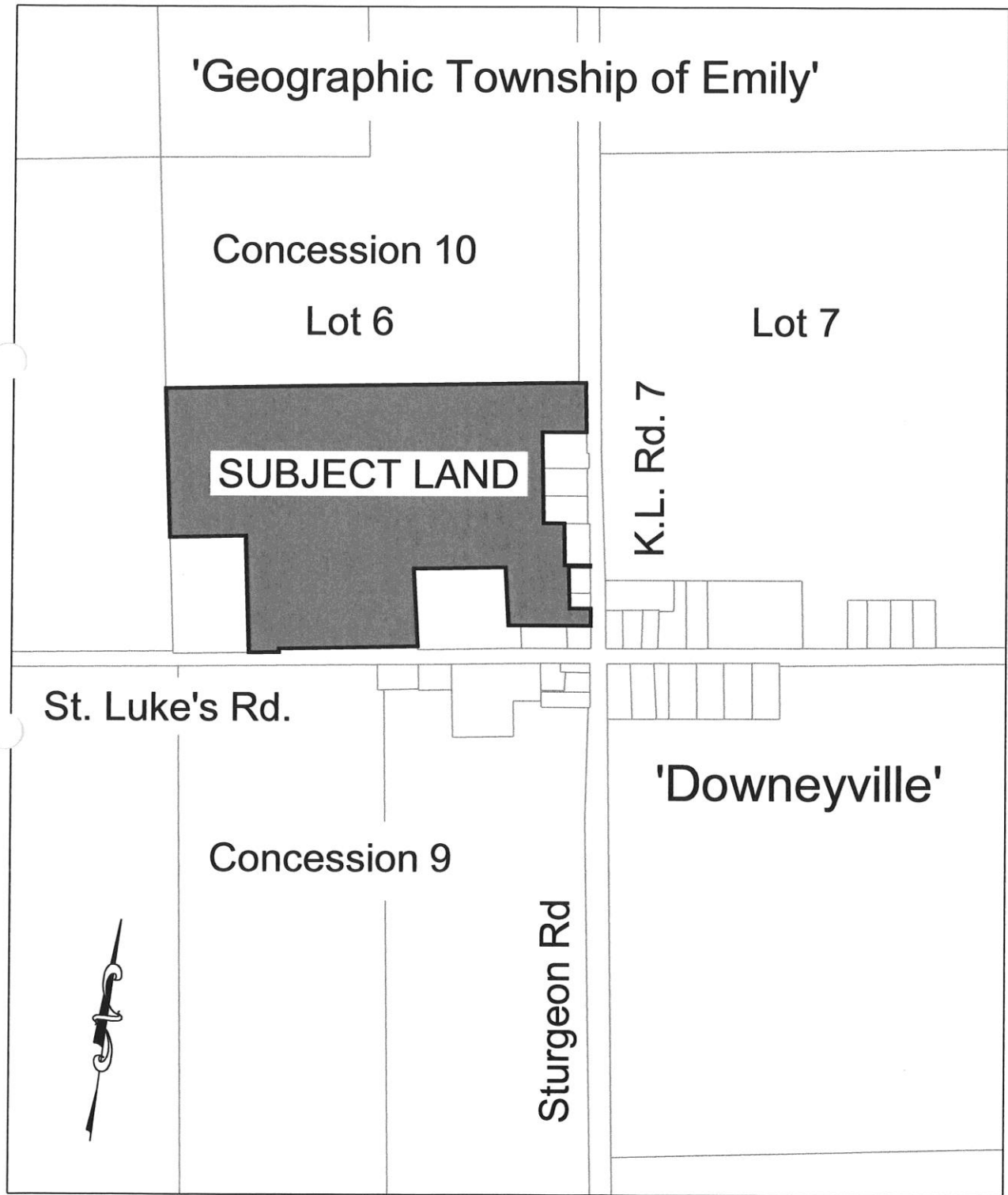
Department Head: Chris Marshall, Director of Development Services

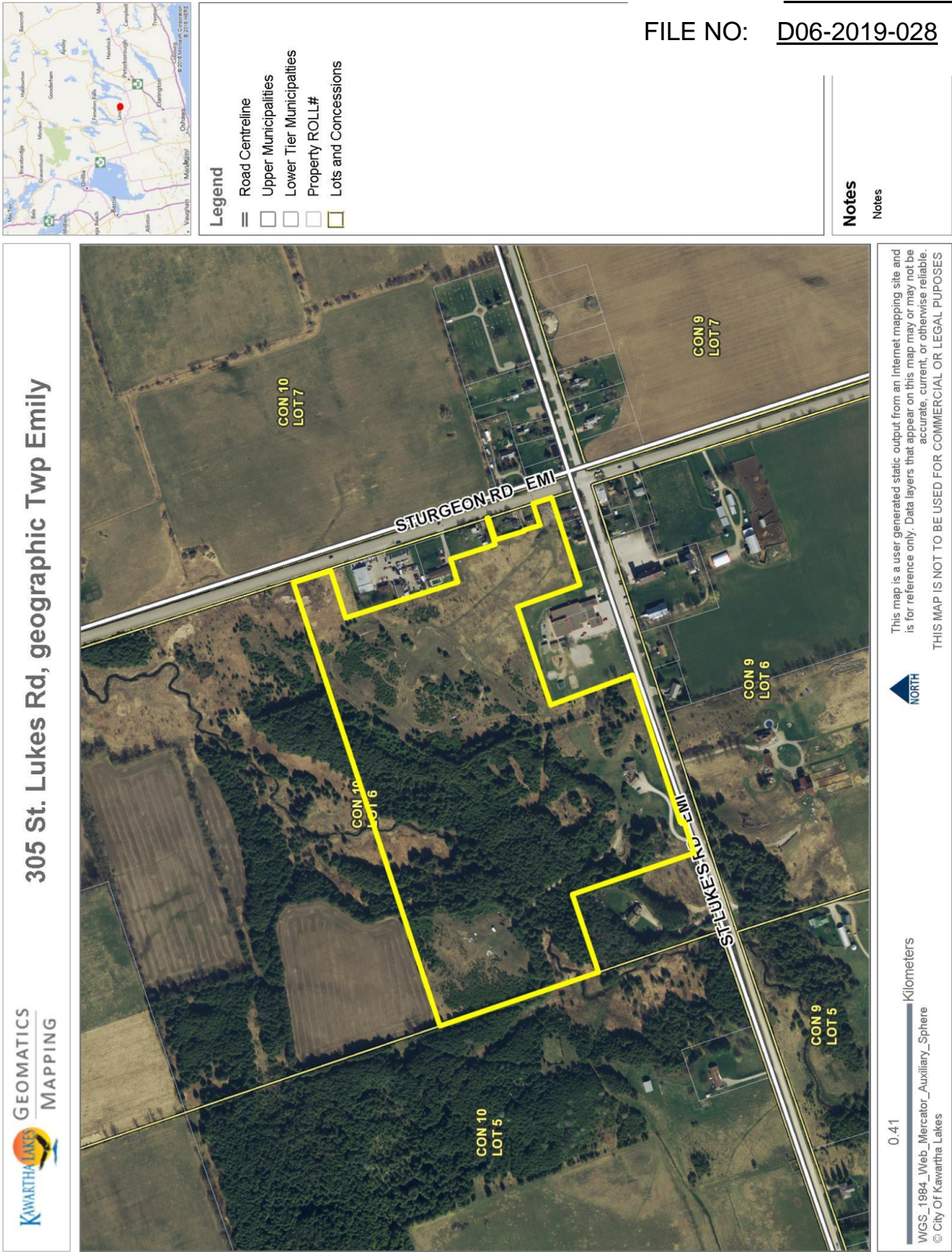
Department File: D06-2019-028

to

REPORT PLAN 2020-001

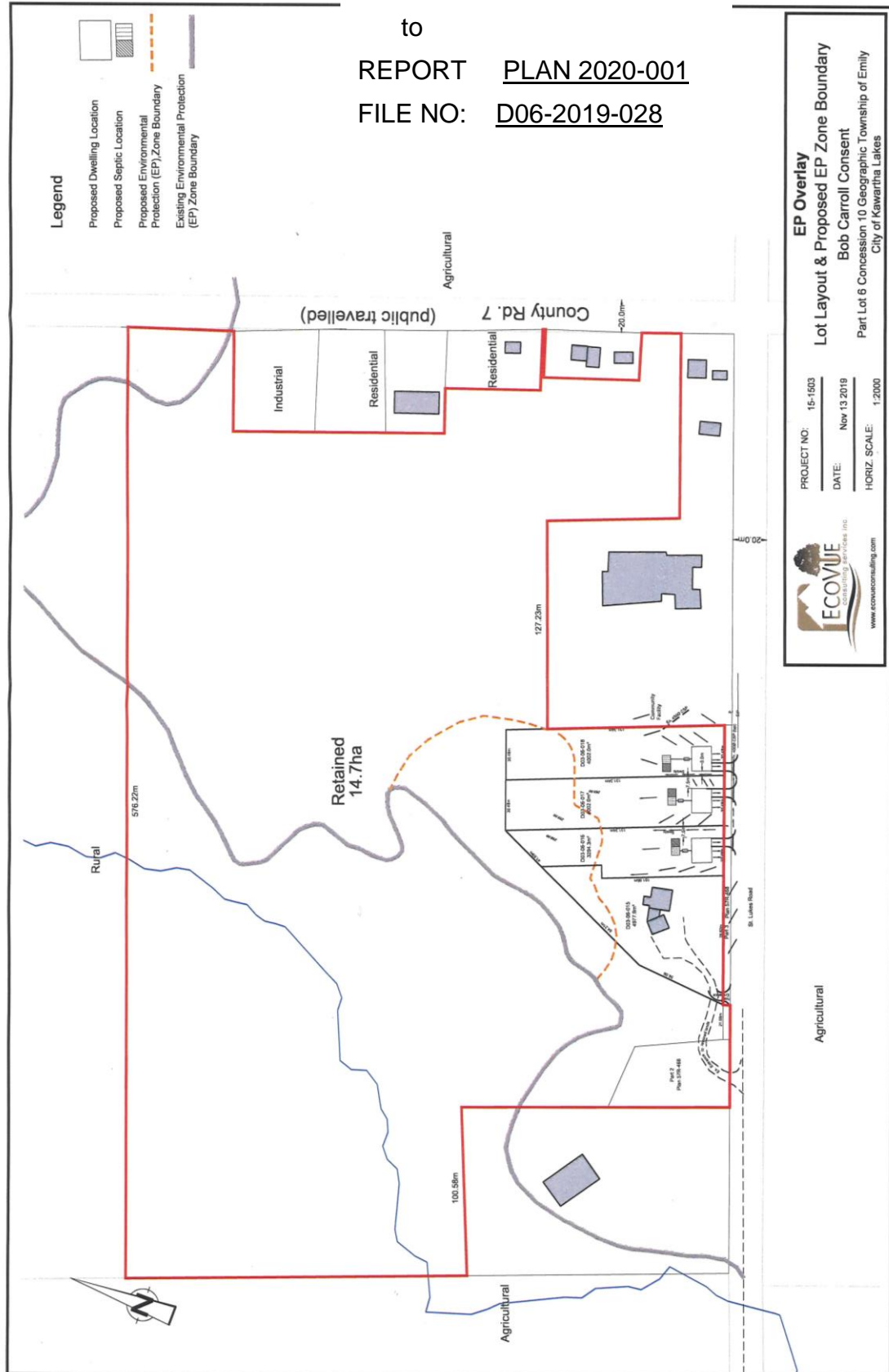
FILE NO: D06-2019-028





APPENDIX " C "

to
REPORT PLAN 2020-001
FILE NO: D06-2019-028



to

REPORT PLAN 2020-001FILE NO: D06-2019-028**The Corporation of the City of Kawartha Lakes****By-Law 2020 -****A By-Law To Amend The Township of Emily Zoning
By-Law No. 1996-30 To Rezone Land Within
The City Of Kawartha Lakes**

[File D06-2019-028, Report PLAN2020-001, respecting Part 6, Concession 10, geographic Township of Emily, identified as 305 St. Luke's Road – Bob Carroll]

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 an explosives storage facility 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 2020-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 6, Concession 10, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 7.3:
 - “7.3.33 Agricultural Exception Thirty-Three (A1-33) Zone
 - 7.3.33.1 Notwithstanding Sections 7.2.1.1 and 3.13.2, the lands zoned A1-33 shall have a minimum lot area of 14 hectares and a minimum lot frontage of 60 metres, which may also include the lands zoned EP.”
- 1.03 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 9.3:
 - “9.3.1 Hamlet Residential Exception One (HR-1) Zone
 - 9.3.1.1 Notwithstanding Sections 9.2.1.3(d) and 3.18.1.1 (a), the lands zoned HR-1 shall be subject to the following provisions:
 - (a) Minimum rear yard 0 m.
 - (b) Minimum setback from an EP Zone 0 m.”

- 1.04 **Schedule Amendment**: Schedule 'B' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the Agricultural (A1) Zone to the Environmental Protection (EP) Zone, Agricultural Exception Thirty Three (A1-33) Zone, and Hamlet Residential Exception One (HR-1) Zone 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 ***, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2020.

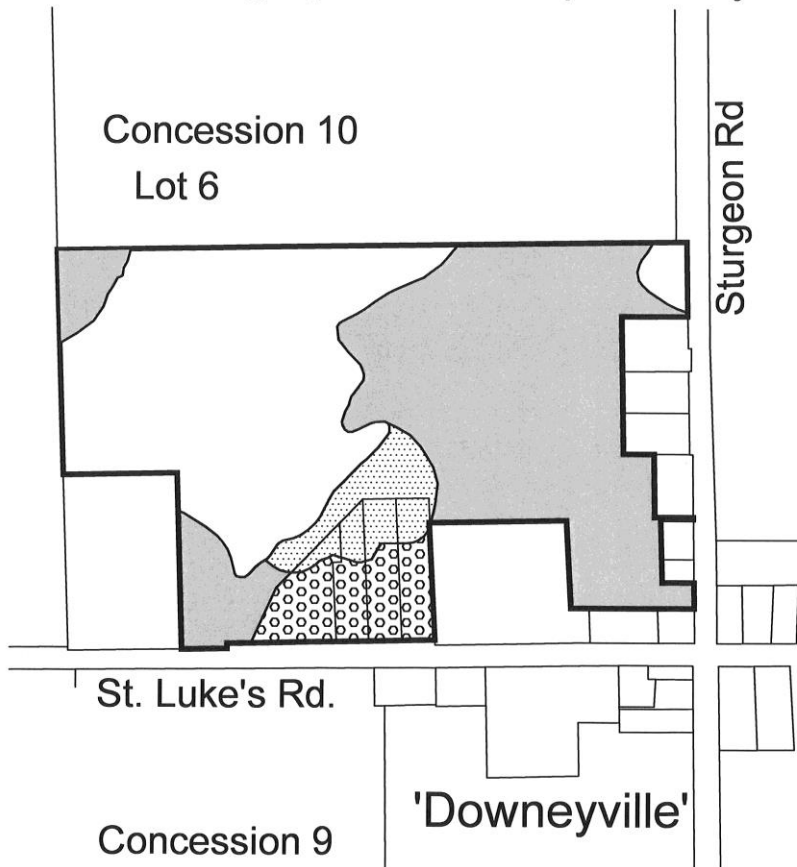
MAYOR _____

CITY CLERK _____

Geographic Township of Emily

Concession 10

Lot 6



St. Luke's Rd.

Sturgeon Rd

Concession 9

'Downeyville'

LEGEND



HR - 1



A1 -33



EP

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-002

Meeting Date: **January 15, 2020**

Regular Meeting

Title: Proposed Campground and Recreational Vehicle Development on the Lindsay Exhibition Grounds, geographic Township of Ops, now City of Kawartha Lakes and identified as 354 Angeline Street South

Description: Applications to amend the City of Kawartha Lakes Official Plan and the Township of Ops Zoning By-law to permit a campground and a tourist camp (Lindsay Agricultural Society)

Ward Number: **Ward 7 – Lindsay**

Author and Title: **Sherry L. Rea, Development Planning Supervisor**

Recommendations:

That Report PLAN2020-002, **Part of Lot 16, Concession 5, geographic Township of Ops, and identified as 354 Angeline Street South, Applications D01-2019-004 and D06-2019-031** be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix D to Report PLAN2020-002, be referred to Council for approval and adoption;

That a Zoning By-law Amendment, substantially in the form attached as Appendix E to Report PLAN2020-002, be referred to Council for approval and adoption; and

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

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

Background:

The applicant has submitted applications for an official plan amendment and zoning by-law amendment. The proposal is to permit camping, recreational vehicles sites and camping cabins on the site together with accessory structures (comfort stations, washrooms and parking) and to protect the wetlands, floodplain and watercourses on the site while allowing for trails and structures such as docks, boardwalks and footbridges. The area of the applications represents 44.5 ha. (110 ac.). See Appendix A and B.

Following the public meeting and comments received through the circulation process, the applicant has revised the phasing of the proposed development. The two (2) proposed revised phases of development are now as follows:

Revised Phase 1 will include 95 serviced recreational vehicle/trailer sites together with associated facilities/amenities such as a comfort station, parking, shelter, communal fire pit, playground and registration building with washroom and store.

Revised Phase 2 will include the 13 camping cabins and 15 tent sites from the original Phase 1 along with 48 tent sites from the original Phase 2, for a total of 63 tent sites with associated parking, 2 comfort stations, washroom/change room, and boat launch with associated short term boat trailer parking. Phase 2 requires access through the neighbouring property to the north. The owners will negotiate with the new owners of the property to the north for either a lot addition or easement to permit permanent access to the rear of the property. Should access not be confirmed, then the owner will need to revisit the development proposal for Phase 2 entirely within their own property.

The statutory public meeting was held by the Planning Advisory Committee on November 6, 2019 and the following resolution as passed:

4.2 Item 3.2

PAC2019-073

Moved By Councillor Seymour-Fagan

Seconded By T. Smith

That Report PLAN2019-063, Part of Lot 16, Concession 5, geographic Township of Ops, Applications D01-2019-004 and D06-2019-031 be received; and

That Report PLAN2019-063 respecting Applications D01-2019-004 and D06-2019-031 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. **Carried**

This report addresses that direction.

Owner:	Lindsay Agricultural Society c/o Harry Stoddart
Applicant:	EcoVue Consulting Services Inc. c/o Beverley Saunders
Legal Description:	Part of Lot 16, Concession 5, geographic Township of Ops, now City of Kawartha Lakes
Designation:	Rural and Environmental Protection on Schedule 'A-3' of the City of Kawartha Lakes Official Plan with Significant Woodlands, Unevaluated Wetlands and Fish Habitat
Zone:	Agricultural Support Exception Eight (AS-8) and Hazard Land Exception One (HL-1) on Schedule 'A' of the Township of Ops Zoning By-law 93-30, as amended
Lot Area:	44.5 ha. (110 ac.)
Site Servicing:	Revised Phases 1 and 2 are proposed on full municipal services including water and sanitary sewer. A private stormwater management pond exists along with private roads and trails for both vehicular and pedestrian traffic.
Existing Uses:	Lindsay Exhibition Grounds
Adjacent Uses:	North: The Commonwell Mutual Insurance Group and agricultural land. South: Vacant land and Highway 7 East: Scugog River West: Angeline Street South, agricultural land and rural residential lots

Rationale:

The property is located on the east side of Angeline Street South and is identified as 354 Angeline Street South. The site is the Lindsay Exhibition Grounds (LEX) and is developed with an Exhibition Building, Grandstand, Outdoor Sports Field, Various Livestock Barns and Indoor/Outdoor Rings and a Poultry Building and includes asphalt and gravel parking areas.

The official plan amendment (OPA) proposes to re-designate from Rural and Environmental Protection to a Rural Special Provision to permit camping, recreational vehicle sites and camping cabins on site together with amenity areas, accessory structures for comfort stations and parking and an Environmental Protection Special Provision to protect wetlands, floodplain and

watercourses on the site while allowing for trails and structures such as docks, boardwalks and footbridges.

The companion zoning by-law amendment (ZBA) proposes a text amendment to the site specific Agricultural Support Exception Eight (AS-8) Zone to permit a campground and a tourist camp and to rezone a portion of the property from Agricultural Support Exception Eight (AS-8) Zone to Hazard Land Exception ** (HL-**) Zone to permit trails and limited structures that service the proposed campsites.

Provincial Policies:

Staff reviewed the Planning Justification Report (PJR) submitted in support of the applications and accepts the planning rationale contained in the report with respect to the Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) and the Provincial Policy Statement (PPS). The applications serve to permit camping and recreational vehicles on the LEX site as a permanent use and not limited to occurring events. The applications also serve to identify the sensitive areas on the site and apply buffer areas to further protect the natural heritage features. The applicant has submitted the appropriate background information to demonstrate efficient use of servicing, the ability to contain stormwater management along with addressing traffic and parking issues. The applications also serve to enhance economic opportunity for the LEX by providing on site accommodation.

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

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) replaced the 2017 Growth Plan for the Greater Golden Horseshoe (2017). The 2019 Growth Plan is part of the Provincial Government's More Homes, More Choice: Housing Supply Action Plan, which aims to address the needs of the Province's growing population, its diversity, its people and local priorities, and its local growth context.

Staff reviewed the Planning Justification Report (PJR) prepared by EcoVue Consulting Services Inc. In the PJR, the applicant reviewed, assessed and demonstrated that the proposed development conforms to the policies of the 2019 Growth Plan and highlighted the appropriate policies including the following:

- 1) Managing Growth – Rural Areas which provides for development on rural lands with respect to resource-based recreational uses that are limited to tourism-related and recreational uses that compatible with the scale, character, and capacity of the resource and surrounding rural landscape.

- 2) Protecting What is Valuable which addresses the policies related to the Natural Heritage System, Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features and Lands Adjacent to these Features.

Staff is in receipt of confirmation from Engineering and KRCA that the proposed development can be serviced and through Council's approval and adoption of the official plan amendment and zoning by-law amendment the appropriate sensitive areas of the site will be protected while allowing for limited passive recreational activity. The site plan process will further define these areas and buffers. Staff confirms that the official plan amendment and zoning by-law amendment conform with the Growth Plan.

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. While Settlement Areas are the focus of growth, the PPS also recognizes that Rural Areas and Lands in Municipalities "should be supported by ... promoting a diversification of the economic base and employment opportunities" and "... by providing opportunities for sustainable and diversified tourism".

Staff has reviewed the PJR in the context of the PPS and is accepting of the planning rationale. The PJR identifies the relevant policy sections of the PPS which include Proposed Development in Rural Areas, Infrastructure and Public Service Facilities (Sewage and Water and Stormwater), Wise Use and Management of Resources (Natural Heritage and Water), Agriculture – Minimum Distance Separation, Cultural Heritage and Archaeology, Natural Hazards and Human-Made Hazards. The PJR also examines all of technical reports and studies that demonstrate that the proposed development is consistent with the PPS. The technical reports and studies have been confirmed with the appropriate City Divisions and Commenting Agencies. Staff confirms that the official plan amendment and zoning by-law amendment are consistent with the PPS.

Official Plan Conformity:

The land is designated Rural and Environmental Protection in the City of Kawartha Lakes Official Plan (CKLOP) with Significant Woodlands, Unevaluated Wetlands and Fish Habitat. Pursuant to Part G – Implementation, Section 32. Policy Exceptions of the CKLOP, which confirmed that certain policies in the former Victoria County Official Plan and Township of Ops Official Plan remained in effect as exceptions to the CKLOP Plan. Section 32.1.51 states that in addition to those uses permitted in the Agricultural Support designation in this Plan (former Township of Ops Official Plan) and notwithstanding anything to the contrary, on land designated Agricultural Support on Part of Lot 16, Concession 5, geographic Township of Ops, a Business/Professional Office and a Fairground

with ancillary facilities including exhibition, entertainment and camping areas shall be permitted uses.

The applicant is requesting special provisions in the Rural designation to permit a campground (with camping cabins) and recreational vehicle park (trailer sites), as well as accessory structures (comfort stations, trails, roadways, parking, etc.) as stand-alone uses. The applicant is also requesting that the Environmental Protection designation be drawn to accurately reflect the wetlands, floodplain area, and watercourse on the property and contain special policies to permit passive recreational uses to include structures, such as docks, footbridges, boardwalks and a boat launch that would enable trails and water access associated with the active and passive recreational uses permitted under the Environmental Protection designation. Staff is recommending that the special provisions in the Rural designation also confirm the language and permitted uses in Section 32.1.51.

The technical reports and studies have been confirmed with the appropriate City Divisions and Commenting Agencies. Staff confirms that the official plan amendment and zoning by-law amendment are consistent with the PPS.

Zoning By-Law Compliance:

The land is zoned Agricultural Support Exception Eight (AS-8) and Hazard Land Exception One (HL-1) in the Township of Ops Zoning By-law No. 93-90. The HL-1 Zone is located in the south-east corner of the land and serves to preserve and protect a known archaeological resource and prohibits site alteration unless there is further archaeological assessment. The applicant is requesting that the wetlands, watercourse and floodplain be rezoned to another Hazard Land Exception ** (HL-**) Zone to protect these lands yet allow for passive recreational uses and to include structures (a dock, footbridge, trails, and boardwalks). KRCA has confirmed that they are supportive of limited passive recreational uses which will be further defined through the site plan process.

The AS-8 Zone is site specific zone that permits the Fairground and Exhibition use which is defined as a use of land devoted to cultural events and exhibitions, entertainment events, exhibitions, fair and festival events, camping accessory to any on-going permitted use, auctions, community based, volunteer, public non-profit agency events, craft shows, dances accessory to on-going permitted uses, entertainment – outdoor concert and theatre events, farmer's market, liquidation sales (with limitations), sporting events, storage and trade shows. The applicant is requesting that camping be permitted as a stand-alone use along with recreational vehicles (trailers) and camping cabins. The appropriate definition in the Township of Ops Zoning By-law is a tourist camp, which by definition means any land used to provide temporary accommodation for the public or members of an organization in tents, tourist trailers or tourist vehicles whether or not a fee is charged or paid for such accommodation. This definition shall not include a

mobile home park. The zoning by-law also states that tourist trailers are only permitted in zones that permit 'tourist camps'.

The PJR reviewed the proposed development in the context of the development standards of the A-8 Zone and the general provisions in the zoning by-law and confirms that no site specific development standards are required. The PJR also contained a parking analysis that demonstrated compliance with the zoning by-law. Staff is accepting of review.

Staff is supportive of the zoning request; however, a Holding (H) provision is recommended for Phase 2. Phase 2 requires access along the southern limit of the property to the north either by consent for a lot addition or by the creation of an easement. Alternatively, the owner will need to revisit the proposal for Phase 2, which may result in revisions to the official plan amendment and zoning by-law amendment. The consultant and owner are accepting of the risk; however, staff recommends a Holding (H) provision until such time that access is acquired to the satisfaction of the City and the KRCA as any revisions (ie moving the proposed road to within the property limits) may affect the natural heritage features along the northern limit of the site.

The phased development is in an area of site plan control for the municipality and will be subject to site plan approval. Through the site plan process, the details of development such as the tent, camping cabin and RV/trailer sites, parking, amenity spaces, comfort stations, washrooms, registration building and store, paths, roadways, landscaping, garbage collection and lighting will be reviewed and confirmed. Confirmation from Curve Lake First Nation regarding the Stage 2 Archaeological Assessment remains outstanding; however, staff agrees with the consultant that this issue can be addressed through site plan approval. Staff is aware that the site plan application will be submitted shortly.

Other Alternatives Considered:

Further to the public meeting and as a result of comments received through the circulation process, the applicant has revised the phasing of the proposed development. The applicant has revised Phase 1 to only include the serviced recreational vehicle/trailer sites together with associated facilities/amenities such as a comfort station, parking, shelter, communal fire pit, playground and registration building with washroom and store. The applicant/owner is anxious to submit for site plan approval as soon as possible.

Financial/Operation Impacts:

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

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies three Strategic Goals, being a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment.

The applications align with all three Strategic Goals. The proposal seeks to create an opportunity to enhance an existing recreational venue in the municipality and provide for accommodation for not only the events but to develop transient accommodation in the municipality. The proposal will create economic opportunity together with additional jobs, will offer high quality events with accommodation all while protecting the natural heritage features on the site.

Review of Accessibility Implications of Any Development or Policy:

There are no immediate accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreements and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The original Functional Servicing and Stormwater Management Report was circulated to the Engineering and Corporate Asset Division for review and comment. The applicant requested that Engineering confirm that full municipal servicing for the revised Phase 2 would be available and Engineering confirmed that from an engineering perspective, they have no objection to the proposed OPA and ZBA. The applicant has indicated that an updated Revised Phase 2 servicing plan with municipal servicing will be submitted at the time of site plan submission for the Revised Phase 2.

Consultations:

Further consultation was held between the applicant and Engineering regarding municipal servicing for the proposed phased development. Engineering has confirmed that from an engineering prospective, they have no objection to the OPA and ZBA. Further consultation was also held between the applicant and the KRCA. KRCA has confirmed that they fine with the feature (wetland and watercourse) boundaries as shown on the mapping provided with the submission, they are comfortable with passive recreation permitted in the Hazard Land zone and they are fine with Phase 1 revised to just include the RV site.

The owner/applicant held an Open House on October 23, 2019 and the statutory public meeting was held November 6, 2019. The consultant has submitted a response to public comments which identifies the public comment, the response

and associated action. Staff has reviewed the response and supports the response and associated actions. See Appendix C.

Development Services – Planning Division Comments:

The appropriate background information which has been submitted in support of the applications has been circulated to the appropriate Agencies and City Divisions for review and comment. Those Agencies and City Divisions have provided comment and/or approval of the applications. The applications conform to the Growth Plan and are consistent with the 2014 Provincial Policy Statement. Conformity with the City of Kawartha Lakes Official Plan has been demonstrated and staff supports the requested amendment to the Township of Ops Zoning By-law with a Holding (H) provision to be applied to Phase 2 for access. Staff acknowledges that the City's site plan process will further confirm the details of development on the site.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the official plan and zoning by-law amendments be referred to Council for approval and adoption.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor, 705.324.9411 x1331.

Appendix A – Location Map



Appendix A -
Location Map.pdf

Appendix B – Proposed Revised Concept Plan



Appendix B - Revised
Concept Plan.pdf

Appendix C – Consultant's Response to Public Comment



Appendix C -
Consultants Response

Appendix D - Draft Official Plan Amendment



Appendix D - Draft
Official Plan Amendment

Appendix E – Draft Zoning By-law Amendment



Appendix E - Draft
Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2019-004 and D06-2019-031

'GEOGRAPHIC TOWNSHIP OF OPS'

APPENDIX "A"
to
REPORT PLAN 2020-002
FILE NO. D01-2019-004
D06-2019-031

Lot 17
Conc. 5

'SUBJECT LAND'

Lot 16

Scugog River

Conc. 5

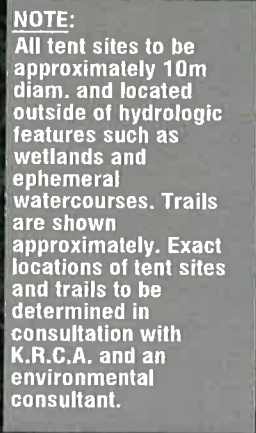
HWY 7/ 35

Lot 15

Conc. 5

Scugog River

'GEOGRAPHIC TOWNSHIP OF OPS'





311 George St. N. Suite 200
Peterborough, ON K9J 3H3
T 705.876.8340 | F 705.742.8343
www.ecovueconsulting.com

December 16, 2019

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

APPENDIX # C
to
REPORT PLAN 2020-002
D01-2019-004
FILE NO. D00-2019-031

Attn: Sherry Rea

Re: **Response to Public Comments: Lindsay Exhibition Campground**
Lindsay Agricultural Society
EcoVue Reference: 18-1787

Dear Ms. Rea,

As per our telephone conversation, this letter addresses the comments received regarding the submitted OPA/ZBA applications for the above noted property. Specifically, this letter addresses public comments received at the following meetings:

1. The Statutory Public Meeting held on November 6th, 2019
2. The Public Open House, held on October 23, 2019.

The table below summarizes the public comments we received and our associated response:

Public Comment	Response and Associated Action
Parking has historically been an issue during exhibition events and this development will exacerbate the problem.	The Lindsay Agricultural Society recently added over 200 additional parking spots which resolved the parking issues that had occurred historically. Furthermore, an additional 185 parking spots will be added as a part of the campground design. Since the campground will only be available to event attendees when large events are occurring (thereby increasing parking available for events), it is our opinion that event parking impacts from this development is sufficiently addressed.

RECEIVED

DEC 17 2019

City of Kawartha Lakes
Development Services
Planning Division

Traffic on Angeline Street, specifically backed up vehicles on the Angeline/Highway 35 intersection, is an issue currently. This development will exacerbate this issue.	We recognize that traffic backup is an issue at the Angeline/Highway 35 in general, particularly on Friday evenings as residents leave town and during Exhibition events. The proposed campground will not exacerbate traffic during events as the accommodations will help reduce traffic coming and going from the site. Furthermore, it is our opinion that the Sunday afternoon traffic that would be generated at the intersection when events are not occurring does not exacerbate existing traffic issues that occur primarily on Friday evenings. It should further be noted that the submitted Traffic Impact Study demonstrates that the traffic generated by this proposal does not necessitate additional road improvements, although recognizes the existing traffic issues (particularly on Friday evenings).
The campground will disturb the use of Riverside Cemetery across the river (partying, people playing in the river, etc.)	There are significant buffers (100 feet of trees) between the river and any camping areas. Furthermore, the island and the oxbow shape where the water access is located will provide additional buffering. It is our opinion that these will ensure that the proposal will not impact the use of the cemetery across the river.
The development will increase the likelihood that there will be trespassers on the island within the river (which is owned by Riverside Cemetery)	Trespassing is an enforcement issue that cannot be addressed by this planning application. Lindsay Agricultural Society would be willing, however, to place signage clarifying land ownership at any future water access, at Riverside Cemetery's request.
Concern that there is not enough sewer and water capacity for the development	The submitted Functional Servicing Report, which has been reviewed by City of Kawartha Lakes engineering staff demonstrates there is adequate capacity for this proposal.
Any tent sites near Angeline	There will be no tent sites directly adjacent to neighbouring



Street and neighbouring properties would be a concern for neighbours	properties or Angeline Street.
The proposal needs to include proper garbage pickup locations and service delivery	Acknowledged. Proper garbage disposal and service delivery will occur on the site and will be approved via Site Plan Control.
A neighbour asked whether they could gain a commercial access to their property via the Lindsay Exhibition Lands	This landowner should contact Lindsay Agricultural Society directly to discuss any arrangements. This comment does not impact the subject application.

Given the above, it is our opinion that the public comments received for this application have been adequately addressed. If you have any questions please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "B. Saunders", is written over a horizontal line.

B. Saunders, B.Sc., M.Sc., E.P.
Land Use and Environmental Planner

The Corporation of the City of Kawartha Lakes

REPORT

By-Law 2020-

FILE NO.

PLAN 2020-002
D01-2019-004
D06-2019-031**A By-Law to Amend the City of Kawartha Lakes Official Plan to Re-designate Land within the City of Kawartha Lakes**

[File D01-2019-004, Reports PLAN2019-063 and PLAN 2020-002, respecting Part of Lot 16, Concession 5, geographic Township of Ops, being 354 Angeline Street South - Lindsay Agricultural Society]

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to amend Schedule 'A-3' to re-designate the land from Rural and Environmental Protection designations to a Rural Special Provision designation to permit camping, recreational vehicle sites and camping cabins as stand alone uses on the site together with amenity areas, accessory structures for comfort stations and parking and an Environmental Protection Special Provision designation to protect wetlands, floodplain and watercourses on the site while allowing for passive recreational uses to include trails and structures such as docks, boardwalks and footbridges.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 34.

Accordingly, the Council of the Corporation of the City of Kawartha Lakes enacts this By-law 2020-***.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 16, Concession 5, geographic Township of Ops, being 354 Angeline Street South, now in the City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment No. 34 to the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 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 _____, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2020-***

The Corporation of the City of Kawartha Lakes

Amendment No. 34 To The Official Plan – The City of Kawartha Lakes

Part A – The Preamble

A. Purpose

The purpose of the official plan amendment is to re-designate the Rural and Environmental Protection designations to a Rural Special Provision designation and an Environmental Protection Special Provision designation on Schedule A-3 of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment.

The effect of the change would permit camping, recreational vehicle sites and camping cabins as stand alone uses on the site together with amenity areas, accessory structures for comfort stations and parking and to protect wetlands, floodplain and watercourses on the site while allowing passive recreational uses for trails and structures such as docks, boardwalks and footbridges.

B. Location

The subject land has a lot area of approximately 44.5 hectares and is located on the east side of Angeline Street South, in the geographic Township of Ops. The subject property is located in a mixed use area with agricultural land and rural residential dwellings on the west side of Angeline Street South, office use and agricultural land to the north, undeveloped land to the south and bordered by the Scugog River to the east. The site is the Lindsay Exhibition Grounds (LEX) and is developed with an Exhibition Building, Grandstand, Outdoor Sports Field, Various Livestock Barns and Indoor/Outdoor Rings and a Poultry Building and includes asphalt and gravel parking areas.

The property is legally described as Part of Lot 16, Concession 5, geographic Township of Ops and identified as 354 Angeline Street South.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by EcoVue Consulting Services on behalf of the Lindsay Agricultural Society to permit permit camping, recreational vehicle sites and camping cabins as stand alone uses on the site together with amenity areas, accessory structures for comfort stations and parking and to protect wetlands, floodplain and watercourses on the site while allowing passive recreational uses for trails and structures such as docks, boardwalks and footbridges.

The land is designated "Rural" and "Environmental Protection" as shown on Schedule "A-3" of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment to permit camping as a

stand alone use and to permit 'tourist camps' which by definition in the Township of Ops Zoning By-law means any land used to provide temporary accommodation for the public or members of an organization in tents, tourist trailers or tourist vehicles whether or not a fee is charged or paid for such accommodation. This definition shall not include a mobile home park. The zoning by-law also states that tourist trailers are only permitted in zones that permit 'tourist camps'. The application for zoning by-law amendment also requests that the wetlands, watercourse and floodplain areas on the property be rezoned to a Hazard Land Exception Zone to protect these lands yet allow for passive recreational uses and to include structures (a dock, footbridge, trails, and boardwalks).

The development will be subject to site plan approval to further define the details of development such as tent, camping cabin and RV/trailer sites, parking, amenity spaces, comfort stations, washrooms, registration building and store, pathways, roadways, landscaping, garbage collection and lighting and any docks, footbridges, trails, boardwalks and buffer areas to protect the natural heritage features.

The proposed uses and amendment to the City of Kawartha Lakes Official Plan is justified and represents good planning for the following reasons:

1. The proposed development conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed development conforms to the goals and objectives of both the "Rural" and "Environmental Protection" designations as set out in the City of Kawartha Lakes Official Plan.
3. The proposed use is compatible with the existing uses permitted on the site and will integrate well with the surrounding area. The proposed camping, recreational vehicle and camping cabin sites along with amenity features, parking, trails and buffers to protect the natural heritage features will be further reviewed and defined through the site plan approval process.
4. The applicant has submitted the selected background reports as set out in the Official Plan to demonstrate the appropriateness of the proposed development with respect to servicing, traffic and the protection of the environment.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and the attached Map 'A' constitutes Amendment No. 34 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. The Official Plan for the City of Kawartha Lakes is amended to add the following subsections.

16.4 SPECIAL PROVISIONS

16.4.1 On land designated Rural on 354 Angeline Street South and described as Part of Lot 16, Concession 5, geographic Township of Ops, now City of Kawartha Lakes, a Business/Professional Office and a Fairground with ancillary facilities including exhibition, entertainment, stand alone camping areas and a tourist camp shall be permitted uses.

17.8 SPECIAL PROVISIONS

17.8.1 On land designated Environmental Protection on 354 Angeline Street South and described as part of Lot 16, Concession 5, geographic Township of Ops, now City of Kawartha Lakes, passive recreational uses including limited structures such as footbridges, docks and boardwalks shall be permitted uses.

2. The Official Plan for the City of Kawartha Lakes is amended to delete subsection 32.1.51.
3. Schedule 'A-3' of the City of Kawartha Lakes Official Plan is hereby amended by changing the land use designation from the Rural and Environmental Protection designation to the Rural Special Provision and Environmental Protection Special Provision, as shown on Map 'A' as 'LAND TO BE RE-DESIGNATED RURAL AND ENVIRONMENTAL PROTECTION'.

F. Implementation and Interpretation

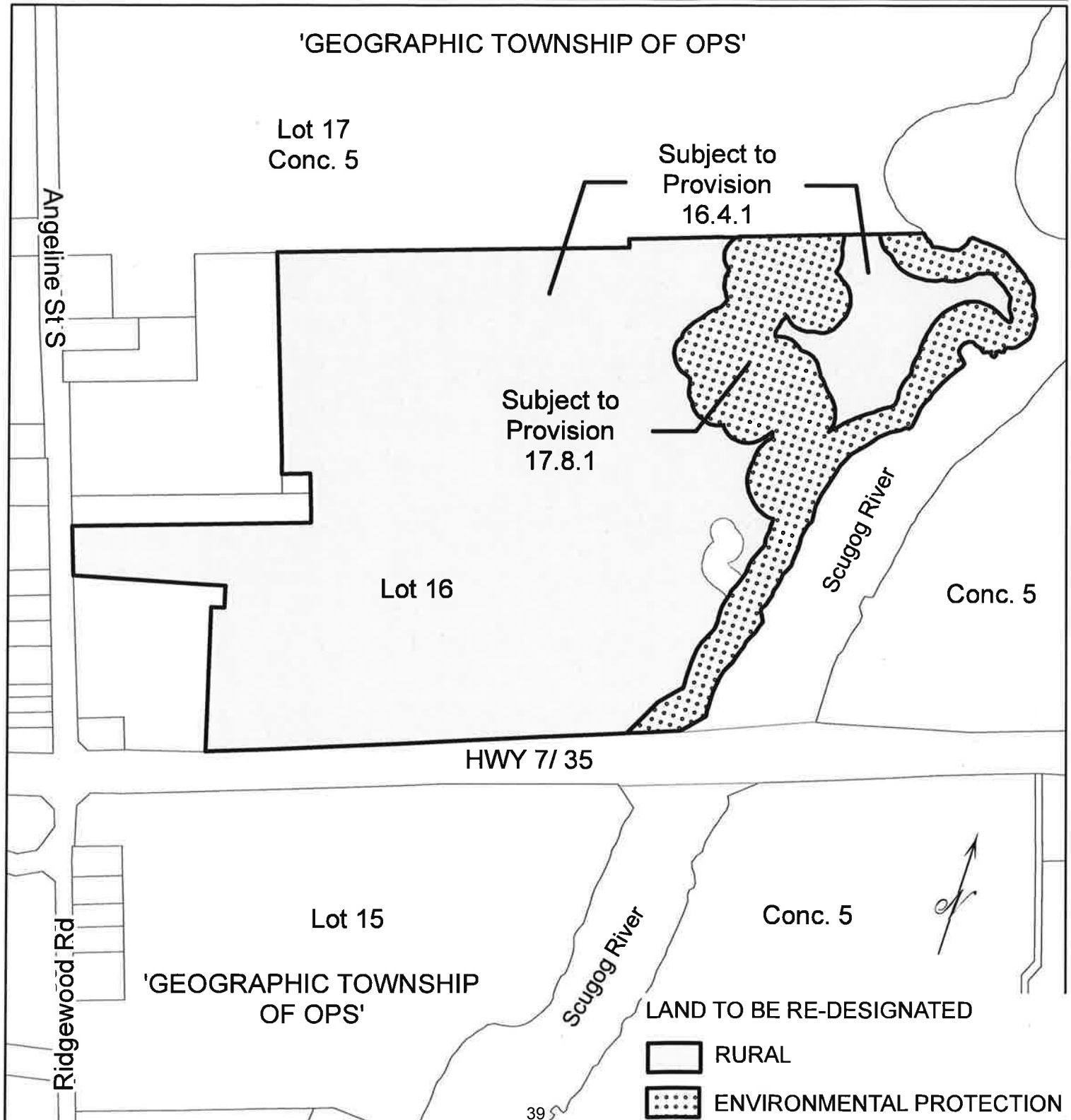
The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 34

To the City of Kawartha Lakes Official Plan



to

The Corporation of the City of Kawartha Lakes

REPORT

PLAN2020-002**By-Law 2020 -**

FILE NO.

D07-2019-004
D06-2019-031**A By-law to Amend the Township of Ops Zoning By-law No. 93-30 to
Rezone Land within the City of Kawartha Lakes**

[File D06-2019-031, Reports PLAN2019-063 and PLAN2020-002, respecting Part of Lot 16, Concession 5, geographic Township of Ops, being 354 Angeline Street South – Lindsay Agricultural Society]

Recitals:

1. Sections 34 and 36 of the Planning Act, R.S.O. 1990, c.P.13 authorize 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 camping, recreational vehicle sites and camping cabins as stand alone uses on the site together with amenity areas, accessory structures for comfort stations and parking and to protect wetlands, floodplain and watercourses on the site while allowing passive recreational uses for trails and structures such as docks, boardwalks and footbridges.
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 2020-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as a Part of Lot 16, Concession 5, geographic Township of Ops, City of Kawartha Lakes.

- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended as follows:

Section 17.3.8 is further amended to delete the non-residential use of camping accessory to any on-going permitted use and add the non-residential permitted use of camping, camping cabins and a tourist camp.

On land zoned AS-8(H), the removal of the (H) Holding Symbol shall be considered by Council once the owner has entered into a site plan agreement which demonstrates access to the satisfaction of the City of Kawartha Lakes and the KRCA.

- 1.03 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following section to Section 18.3:

18.3.2 Hazard Land Exception Two (HL-2) Zone

Notwithstanding subsections 18.1 and 18.2, on land zoned HL-2, passive recreational uses are permitted to include trails and limited structures such as docks, boardwalks and footbridges.

On land zoned HL-2(H), the removal of the (H) Holding Symbol shall be considered by Council once the owner has entered into a site plan agreement which demonstrates access to the satisfaction of the City of Kawartha Lakes and the KRCA.

- 1.07 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category from the 'Agricultural Support Exception Eight (AS-8) Zone' to the 'Hazard Land Exception Two (HL-2) Zone' for the land referred to as 'HL-2', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 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 ***, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____

'GEOGRAPHIC TOWNSHIP OF OPS'

Lot 17
Conc. 5

'HL-2 (H)'

Angeline St S

'AS-8'

Lot 16

Scugog River

Conc. 5

HL-1

HWY 7/ 35

Lot 15

Conc. 5

Scugog River

Ridgewood Rd

'GEOGRAPHIC TOWNSHIP OF OPS'

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee

Report Number ENG2020-001

Date: January 15, 2020
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: 7

Title: Assumption of Hutton Road and Brock Street, Lindsay

Description: Churchdown Crossing Subdivision

Author and Title: Christina Sisson, Supervisor, Development Engineering

Recommendation(s):

That Report ENG2020-001, **Assumption of Hutton Road and Brock Street, Lindsay**, be received;

That the Assumption of Hutton Road and Brock Street, Lindsay, Churchdown Crossing Subdivision, Geographic Town of Lindsay, City of Kawartha Lakes, be approved;

That an Assumption By-Law, substantially in the form attached as Appendix 'A' to Report ENG2020-001 be approved and adopted by Council; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The City of Kawartha Lakes entered into a Subdivision Agreement with Dunster Investments Inc. for the subdivision registered as Instrument KL51177, June 23rd, 2011. Further to a request from the Owner, the Engineering & Corporate Assets Department is recommending formal assumption of the road and municipal water, sanitary, and storm infrastructure, within the Subdivision.

The servicing and the final lift of asphalt for the subdivision were completed. Deficiencies were identified and rectified and inspected to the satisfaction of the Engineering Department. Security releases have occurred. A formal by-law is required for formal assumption.

The placement of top course asphalt and final repairs is subject to a minimum one year maintenance period in accordance with the registered Subdivision Agreement. The top course was placed in the fall of 2017, and a one year warranty period was placed based on the repairs required to be completed. Subsequent inspections have confirmed that in accordance with the registered Subdivision Agreement, all public services are eligible for assumption.

The City, pursuant to the Subdivision Agreement, is now obliged to assume the following under Plan 57M-792:

Assume as Right of Way:

Hutton Road, PIN: 63232-0225

Brock Street, PIN: 63232-0003, Part 1

A copy of Plan 57M-792 has been attached as Appendix 'B'.

Rationale:

The services in this development have been constructed and installed according to the plans and specifications outlined in the Subdivision Agreement. Staff carried out inspections of this subdivision. To date, all deficiencies have been corrected, and the road is now in a condition to be assumed.

The Owner has requested assumption of the Public Services. The Engineer has certified the Public Services.

Other Alternatives Considered:

Council could decide not to proceed with assumption of the municipal infrastructure identified; however, this would not be consistent with our commitment through the Subdivision Agreement previously supported and is therefore, not recommended or supported by staff.

Financial/Operation Impacts:

The security for this subdivision has been reduced in compliance with the previous statutory declarations and works completed to date as per the registered subdivision agreement.

The Owner and the City have agreed to \$50,000.00 as the contribution for the future improvement to municipal standards for half of Brock Street south of Hutton Road. The works would not be completed until such time as the adjacent draft plan of subdivision is to be constructed.

Upon assumption of the Subdivision, the City will be responsible for the general maintenance of the street and services (in addition to services already provided), and associated funds will need to be allocated in future budgets.

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

The City's 2016-2019 Strategic Plan outlines the strategic goals of a vibrant and growing community, an exceptional quality of life, and a healthy environment. This application aligns by offering new residents with the development of housing options that have connectivity and walkability. The downstream stormwater management pond provides for some water quality control to protect the ultimate downstream receiver, the Scugog River.

Review of Accessibility Implications of Any Development or Policy:

The Subdivision has been completed to the City's standards at the time of execution of the Agreement.

Servicing Implications:

The Subdivision has been serviced in accordance with the approved design. This Subdivision consists of approximately 144 metres of 150 mm diameter PVC watermain, 143 metres of 200 mm diameter PVC sanitary sewer, 115.5 metres of PVC storm sewer, approximately 1177 square metres of asphalt road, and 120 metres of concrete sidewalk.

Consultations:

Finance Division

Attachments:

Appendix 'A' - Draft Assumption By-Law



Appendix 'A' By-Law
to Assume Hutton Ro

Appendix 'B' - Plan 57M-792 – Plan of Subdivision, Churchdown Crossing
Subdivision



Appendix B Plan
57M-792

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, P.Eng., PMP

Department File: D05-18-

The Corporation of the City of Kawartha Lakes

By-law 2020-XXX

A By-law to Assume Hutton Road, Plan 57M-792 (PIN: 63232-0225) and Brock Street, Plan 57M-792 (PIN: 63232-0003, Part 1), Geographic Town of Lindsay, The Corporation of the City of Kawartha Lakes

Recitals

1. Subsection 31(4) of the *Municipal Act, 2001* authorizes Council to assume unopened road allowances or road allowances shown on registered plans of subdivision for public use, by by-law.
2. Council now deems it desirable to assume Hutton Road and Brock Street, Plan 57M-792, Geographic Town of Lindsay, the Corporation of the City of Kawartha Lakes as public highways in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-XXX.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City.

- 1.02 **Interpretation Rules:**

- (a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Assumption of Services

2.01 **Assumption**: The following highways are assumed by the City:

- a) The road known as Hutton Road, Plan 57M-792, Geographic Town of Lindsay, City of Kawartha Lakes.
- b) The road known as Brock Street, Plan 57M-792, Geographic Town of Lindsay, City of Kawartha Lakes.

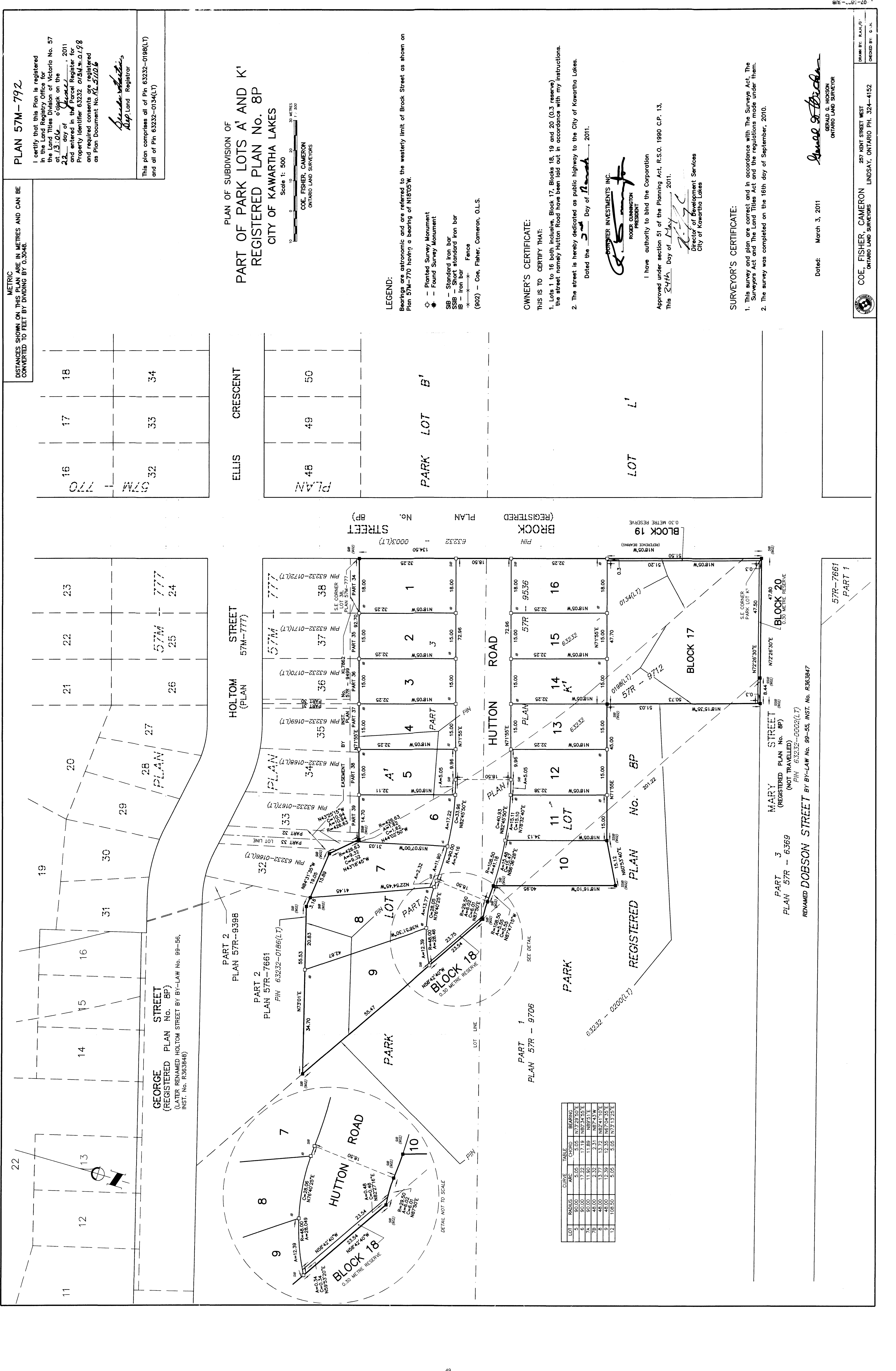
Section 3.00: Effective Date

3.01 **Effective Date**: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XX day of January, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk



METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

16	17	18		
32	33	34		
57M				
770				

PLAN 57M-792

I certify that this Plan is registered in the Land Registry Office for the Land Titles Division of Victoria No. 57 at 13.00 day of June, 2011 and entered in the Parcel Register for Property Identifier 63232-0134-LT and required consents are registered as Plan Document No. KL51006

Sue Fisher
Sue Fisher, Registrar

This plan comprises all of Pin 63232-0198(LT) and all of Pin 63232-0134(LT)

PLAN OF SUBDIVISION OF
PART OF PARK LOTS A' AND K'
REGISTERED PLAN No. 8P
CITY OF KAWARTHA LAKES

Scale 1: 500

COE, FISHER, CAMERON
ONTARIO LAND SURVEYORS

LEGEND:

Bearings are astronomic and are referred to the westerly limit of Brook Street as shown on Plan 57M-770 having a bearing of N18°05'W.

— Planted Survey Monument
— Found Survey Monument
SB — Standard Iron bar
SSB — Short standard iron bar
IB — Iron bar
— — — — — Fence
(902) — Coe, Fisher, Cameron, O.L.S.

OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT:

1. Lots 1 to 16 both inclusive, Block 17, Blocks 18, 19 and 20 (0.3 reserve) the street namely Hutton Road have been laid out in accordance with my instructions.

2. The street is hereby dedicated as public highway to the City of Kawartha Lakes.

Dated the 3rd Day of March, 2011.

Roger Cunningham
ROGER CUNNINGHAM
PRESIDENT
I have authority to bind the Corporation
Approved under section 51 of the Planning Act, R.S.O. 1990 C.P. 13.
This 24th Day of May, 2011.
R. J. J.
Director of Development Services
City of Kawartha Lakes

SURVEYOR'S CERTIFICATE:

1. This survey and plan are correct and in accordance with The Surveyors Act, The Surveyors Act and The Land Titles Act and the regulations made under them.

2. The survey was completed on the 16th day of September, 2010.

Dated: March 3, 2011

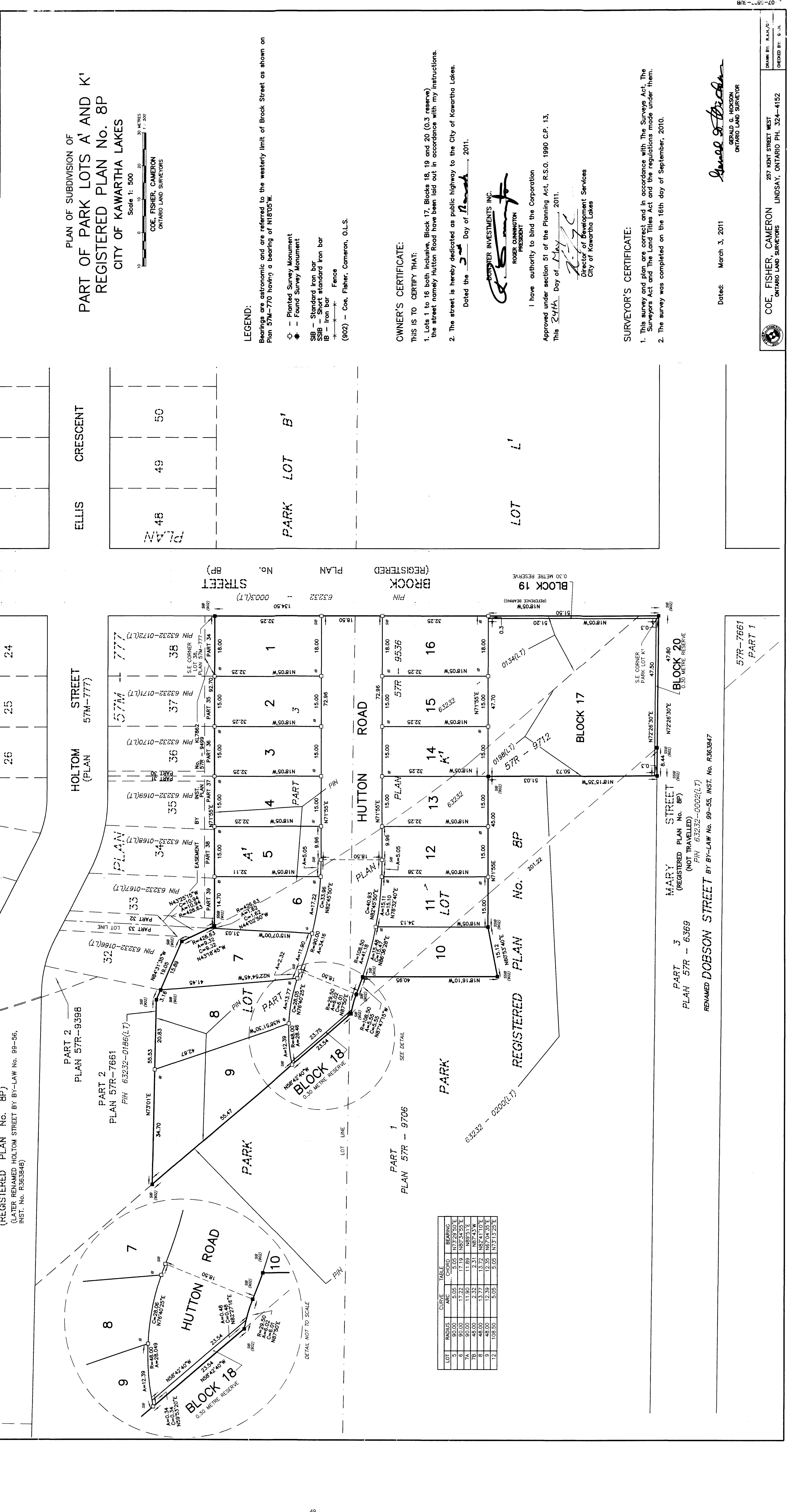
Sue Fisher
Sue Fisher, Registrar

COE, FISHER, CAMERON
ONTARIO LAND SURVEYORS

257 KENT STREET WEST
LUNDSAY, ONTARIO PH. 324-4152

DRAWN BY: R.A.H./C
CHECKED BY: G.H.

11	12	13	14	15	16	19	20	21	22	23	24
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57M											
777											



PLAN 57R-9398
PLAN 57R-7661
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