

The Corporation of the City of Kawartha Lakes

Agenda

Special Council Meeting

CC2020-05

Tuesday, May 26, 2020

Electronic Meeting - Open Session Commencing at 1:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Ron Ashmore

Councillor Pat Dunn

Councillor Doug Elmslie

Councillor Tracy Richardson

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Councillor Emmett Yeo

Note: This will be an electronic participation meeting and public access to Council Chambers will not be available. Please visit the City of Kawartha Lakes Youtube Channel to view the proceedings.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1.	Call to Order	
2.	Adoption of Agenda	
	That the Agenda for the Open Session of the Special Council Meeting of Tuesday, May 26, 2020, be adopted as circulated.	
3.	Disclosure of Pecuniary Interest	
4.	Council Announcements	
5.	Presentations	
5.1	CC2020-05.5.1	
	Pandemic Response and Recovery Update	
	Ron Taylor, Chief Administrative Officer	
	That the presentation by Ron Taylor, Chief Administrative Officer, regarding a Pandemic Response and Recovery Update , be received.	
6.	Reports	
6.1	CAO2020-004	12 - 18
	Outstanding Council Resolutions Q1 and Q2 of 2020	
	Ron Taylor, Chief Administrative Officer	
	That Report CAO2020-004, Outstanding Council Resolutions Q1 and Q2 2020 be received.	
6.2	CLK2020-005	19 - 24
	Electronic Participation - Amendments to the Procedural By-law (Post State of Emergency)	
	Cathie Ritchie, City Clerk	

That Report CLK2020-005, **Electronic Participation - Amendments to the Procedural By-law**, be received;

That Council approves electronic participation in accordance with section 238 (3.1) of the Municipal Act for Council, Local Boards and Committees;

That Council approves electronic participation as prescribed for all Other Advisory Committees and Task Forces amending all Terms of Reference effective June 1, 2020; and

That a by-law to amend the Procedural By-law be forwarded to Council for approval.

6.3

HS2020-003

25 - 34

Community Recovery Task Force Terms of Reference

Rod Sutherland

That Report HS2020-003, **Community Pandemic Recovery Task Force**, be received for information purposes;

That the Community Pandemic Recovery Task Force Terms of Reference, appended as Attachment A to Report HS2020-003, be approved;

That Councillors Ashmore, Elmslie and Richardson, Fire Chief Mark Pankhurst, and Director Rod Sutherland be appointed to the Community Pandemic Recovery Task Force; and

That the appointed Task Force members be delegated the authority to appoint the community representatives to the Task Force from the sectors as identified in the Terms of Reference.

6.4

ED2020-016

35 - 53

Economic Recovery Task Force Terms of Reference

Rebecca Mustard, Manager of Economic Development

That Report ED2020-016, **Economic Recovery Taskforce Terms of Reference**, be received;

That the Economic Recovery Terms of Reference as outlined in Appendix A to report ED2020-016, be approved;

That Mayor Letham, Deputy Mayor Councillor O'Reilly, Councillor Seymour-Fagan, and Councillor Veale, and the Directors of Development Services and Engineering and Corporate Assets be appointed to the Economic Recovery Taskforce; and

That the appointed Task Force members be delegated the authority to appoint the community representatives to the Task Force from the sectors as identified in the Terms of Reference.

6.5 CS2020-007 54 - 70

Powerlinks Extension Agreement with Shaman Power
Craig Shanks, Director of Community Services

That Report CS2020-007, **Powerlinks Extension Agreement with Shaman Power**, be received, and;

That Council authorize the Mayor and Clerk to sign and execute the Agreement.

6.6 ENG2020-007 71 - 74

Life Cycle Extension, Local Asphalt Road Section Candidates
Mike Farquhar, Supervisor Technical Services

That Report ENG2020-007, **Life Cycle Extension, Local Asphalt Road Section Candidates**, be received.

6.7 CORP2020-006 75 - 85

Tax Policy Decisions
Linda Liotti, Manager, Revenue & Taxation

That Report CORP2020-006, **2020 Tax Policy Decisions**, be received.

That optional property classes for the 2020 tax year are not adopted;

That the tax rate reduction for vacant and excess land in the commercial and industrial class be set as 30% and 35% respectively for 2020;

That the tax rate reduction for First Class Undeveloped Farm Land be set at 45% for 2020;

That the capping and threshold parameters be established as follows:

	Commercial	Industrial
Annualized Tax Limit	10%	10%
Prior Year's CVA Tax Limit	10%	10%
CVA Tax Threshold for Protected Properties (Increases) (\$0 to \$500)	500	500
CVA Tax Threshold for Clawed Back Properties (Decreases) (\$0 to \$500)	500	500
Properties that were at CVA Tax in 2019 or that would cross over CVA Tax in 2020 are to be excluded from capping.	Yes	Yes

That the decrease claw back parameters for 2020 be set at 0% for multi-residential, commercial and industrial;

That Council approve the 2020 tax ratios as outlined in Appendix A to report CORP2020-006; and

That the necessary by-laws be forwarded to Council for adoption.

7. Planning Reports

7.1 PLAN2020-012

86 - 109

Official Plan and Zoning By-law Amendments to Facilitate a Residential Severance of an Existing Dwelling (Parkbridge Lifestyle Communities)
Anna Kalnina, Planner II

That Report PLAN2020-012, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix B to Report PLAN2020-012, be approved and adopted;

That the Zoning By-law Amendment, substantially in the form attached as Appendix C to Report PLAN2020-012, be approved and adopted; and

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

7.2

PLAN2020-013

110 - 131

Telecommunications Facility Endorsement Application – Xplornet Communications

Ian Walker, Planning Officer – Large Developments

That Report PLAN2020-013, Part of Lot 21, Concession 2, Geographic Township of Fenelon, Donald and Sylvia Holliday – Application D44-2019-001, be received;

That the 45.0 metre self-supported telecommunication facility proposed by Forbes Bros. Ltd. on behalf of Xplornet Communications, to be sited on property at 1641 Glenarm Road and generally outlined in Appendices A to E to Report PLAN2020-013, be endorsed by Council, conditional upon the applicant entering into a Telecommunication Facility Development Agreement with the City;

That Innovation, Science and Economic Development (ISED) Canada, the applicant, and all interested parties be advised of Council's decision; and

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

7.3

PLAN2020-015

132 - 154

Proposed Residential Development for 157 Townhouses on Lindsay Street North, Lindsay (2573532 Ontario Inc.)

Sherry Rea, Development Planning Supervisor

That Report PLAN2020-015, **Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, Application D06-2019-007** be received;

That the Zoning By-law Amendment, D06-2019-007, substantially in the form attached as Appendix C to Report Plan 2020-015, be approved and adopted;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

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

7.4

PLAN2020-016

155 - 189

Applications to Amend the City of Kawartha Lakes Official Plan and Township of Fenelon Zoning By-law 12-95 to Permit a Residential Condominium Development Consisting of 26 Townhouse Dwellings and Two Apartment Buildings Containing 60 Dwelling Units on West Street North, Geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)
Mark LaHay, Planner II

That Report PLAN2020-016, **respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”**, be received;

That a By-law to implement Official Pan Amendment application D01-2018-006, substantially in the form attached as Appendix ‘C’ to Report PLAN2020-016 be approved and adopted by Council;

THAT a By-law to implement Zoning By-law Amendment application D06-2018-028, substantially in the form attached as Appendix ‘D’ to Report PLAN2020-016 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.

Request by Aspire Sturgeon Developments Inc. to enter into an Amending Subdivision Agreement for Plan of Subdivision 638, File No. D05-35-010, Islandview Estates Subdivision

Richard Holy, Manager of Planning

That Report PLAN2020-019, **Islandview Estates Amending Subdivision Agreement**, be received;

That the Amending Subdivision Agreement for Islandview Estates, City of Kawartha Lakes, substantially in the form attached as Appendix “C” to Report PLAN2020-019 be approved by Council;

That the reduction of securities be considered once the completed works have been confirmed by Staff; and

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

Assumption of Cloverlea Subdivision Phase 3, Lindsay

Christina Sisson, Supervisor, Development Engineering

That Report ENG2020-008, **Assumption of Clovelea Phase 3 Subdivision, Lindsay**, be received;

That the Assumption of Cloverlea Subdivision Phase 3 Lindsay, 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 ENG2020-008 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. Correspondence

9. By-laws

That the By-laws shown in Section 9 of the Agenda, namely: Items 9.1 to and including 9.11 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

9.1	CC2020-05.9.1	210 - 211
	A By-law to Amend By-law 2020-035, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes (Post State of Emergency)	
9.2	CC2020-05.9.2	212 - 214
	A By-law to Establish 2020 Tax Ratios in the City of Kawartha Lakes	
9.3	CC2020-05.9.3	215 - 218
	A By-law to Provide Tax Relief to Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between the Ages of 55 and 64, Low Income Disabled Persons or Ontario	
9.4	CC2020-05.9.4	219 - 223
	A By-law to Provide Water Rate Relief To Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between The Ages Of 55 And 64, Low Income Disabled Persons Or Ontario Disability Support Program Recipients	
9.5	CC2020-05.9.5	224 - 237
	A By-law to Authorize the Execution of a Telecommunications License Agreement between The Corporation of the City of Kawartha Lakes and Xplornet Communications Inc.	
9.6	CC2020-05.9.6	238 - 240
	A By-law to Amend the City of Kawartha Lakes Official Plan to Add a Special Provision to Land within the City of Kawartha Lakes (2152 City Road 36 - Parkbridge Lifestyle Communities)	
9.7	CC2020-05.9.7	241 - 243
	A By-law to Amend The Township of Verulam Zoning By-law No. 6-87 in The City of Kawartha Lakes (2152 City Rad 36 - Parkbridge Lifestyle Communities)	
9.8	CC2020-05.9.9	244 - 249
	A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75 To Rezone Land Within The City Of Kawartha Lakes (2573532 Ontario Inc.)	

9.9	CC2020-05.9.10	250 - 256
	A By-Law to Amend the City of Kawartha Lakes Official Plan to Redesignate Land within the City of Kawartha Lakes (Muskoka D & M Corp.)	
9.10	CC2020-05.9.11	257 - 262
	A By-Law To Amend The Township of Fenelon Zoning By-Law No. 1295 To Rezone Land Within The City Of Kawartha Lakes(Muskoka D & M Corp.)	
9.11	CC2020-05.9.12	263 - 264
	A By-law to Assume Cloverlea Phase 3 Subdivision, Plan 57M-800, specifically Blueberry Lane, PIN: 63237- 1786, Brackendale Trail, PIN: 63237-1787, Briarwood Avenue, PIN: 63237-1788, Broad Street, PIN: 63237-1789, Commerce Road, PIN: 63237-1790, and Silverbrook Avenue, PIN: 63237-1791, the 0.3 metre reserves, Blocks 87, 88, 89, and 90, PIN: 63237-1782, 63237-1783, 63237-1784, and 63237-1785, respectively, Trail Blocks 83, 84, and 85, PINs: 63237-1778, 63237-1779, and 63237-1780, respectively and the Stormwater Management Pond, Block 82, PIN: 63237-1777, Geographic Town of Lindsay, The Corporation of the City of Kawartha Lakes	
10.	Closed Session	
	That Council convene into closed session at ____ p.m. pursuant to Section 239(2) of the Municipal Act, S.O. 2001 S.25, in order to consider matters identified in Section 10 of the Special Council Meeting Agenda of Tuesday, May 26, 2020, namely Item 10.1.	
10.1	LGL2020-006	
	Potential Litigation - 3243 Kirkfield Road Municipal Act, 2001 s.239(2)(e) Litigation Affecting the Municipality Robyn Carlson, City Solicitor	
11.	Matters from Closed Session	
12.	Confirming By-Law	
12.1	CC2020-05.12.1	265 - 265
	A By-law to Confirm the Proceedings of a Special Meeting of Council on Tuesday, May 26, 2020	

13. Adjournment

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CAO 2020-004

Meeting Date: May 26, 2020

Title: Outstanding Council Resolutions Q1 and Q2 2020

Description: Information report listing outstanding Council Resolutions
for the first two quarters in 2020

Ward Number: N/A

Author and Title: Ron Taylor, CAO

Recommendation(s):

That Report CAO2020-004, **Outstanding Council Resolutions Q1 and Q2 2020** be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

As a standard practice, Council has, where appropriate, provided timelines with resolutions passed for reporting back. As well, staff and the public target Committee of the Whole (CoW) meetings for general updates, deputations, presentations and information-sharing with Council.

With a provincial and local state of emergency declared from mid-March to present, many planned Council and CoW matters/updates have been postponed.

The purpose of this report is to update Council on matters postponed due to the pandemic.

Rationale:

Attached in Appendix A to this report is a listing of outstanding Council Resolutions for Q1 and Q2, 2020. That listing identifies the resolution passed, and recommended revised timing to report back on those matters to Council.

The following is an additional listing of matters that were planned to be brought forward to CoW through April to June 2020, for information and direction. Staff is recommending revised timing to bring these matters forward.

Item/Matter	Proposed Timing to Council/CoW
On-road ATV Legislation	Q3 2020
Procurement Policy Updates	Q3 2020
Coboconk Wellness Centre Feasibility Study	Q3 2020
Financial Plan Updates	June 2020
Fire Master Plan Update	Q3 2020
Road Tolls	Q3 2020
High Water Bill Committee Terms of Reference	Q3 2020
Healthy Environment Plan Updates	Q4 2020
Modernization Reviews (Various)	Q3 and Q4, 2020

Other Alternatives Considered:

No other alternatives are being considered. Meeting formats, resources and public participation remain limited at this time.

Financial/Operation Impacts:

N/A

Consultations:

All City Departments

Attachments:

Appendix A – Outstanding Council Resolutions Q1 and Q2, 2020



Appendix A -

Department Head E-Mail: rtaylor@kawarthalakes.ca.

Department Head: Ron Taylor, CAO

Meeting Site	Department	Agenda Item	Assigned To	Status	Description	Comments
March 19, 2020 Regular Council Meeting	Legal	CW2020-078 Country Club Heights Association - Petition Regarding Parking Restrictions	Robyn Carlson	Incomplete	Report back to the April 7, 2020 Committee of the Whole	Postponed to June, 2020 Council Meeting.
March 19, 2020 Regular Council Meeting	Public Works	CW2020-076 Township of Cavan Monaghan Correspondence - Off Road Vehicles on Boundary Roads	Bryan Robinson, Shelley Durham	Incomplete	Report back to April 7, 2020 Committee of the Whole.	Postponed to Q3, 2020.
March 19, 2020 Regular Council Meeting	Legal	CW2020-060 Land Disposition Procedure - Appraisal Requirement for City Properties Listed for Sale	Robyn Carlson	Incomplete	Amend By-law 2018- 020	Postponed to June, 2020 Council Meeting.
March 19, 2020 Regular Council Meeting	Public Works	CW2020-040 Transition of Blue Box to Full Producer Responsibility	Bryan Robinson, Shelley Durham	Incomplete	Report back to Committee of the Whole by end of Q2, 2020, as noted.	Postponed to June, 2020 Council Meeting.
March 19, 2020 Regular Council Meeting	Corporate Services	CW2020-035 Review flat rate versus metered charge for sanitary sewer use and how those fees apply to single family versus multi-residential property	Jennifer Stover, Cheri Anderson, Linda Liotti	Incomplete	Report back to Committee of the Whole by end of Q2, 2020, as noted.	Postponed to Q3, 2020.

Meeting Site	Department	Agenda Item	Assigned To	Status	Description	Comments
March 19, 2020 Regular Council Meeting	Legal	CW2020-039 Request for assistance with issue on title to 1899 Pigeon Lake Road	Robyn Carlson	Incomplete	Report back to April 7, 2020 Committee of the Whole	Postponed to June, 2020 Council Meeting.
February 18, 2020 Regular Council Meeting	Development Services	CW2020-027 ED2020-005 - Cultural Master Plan	Chris Marshall, Wendy Ellis	Incomplete	Report back through budget process.	Report back by end of Q4, 2020.
February 18, 2020 Regular Council Meeting	Public Works	PUR2020-004 RFQ for Supply and Delivery of Two Single Axle and Four Tandem Axle Trucks	Bryan Robinson, Shelley Durham	Incomplete	Report back to Council prior to budget cycle with cost benefit analysis of standardization of fleet acquisitions.	Postponed to July, 2020 Council Meeting.
January 28, 2020 Regular Council Meeting	Public Works	CC2020-01.10.2.4 Memo Regarding a Flood Prevention Subsidy	Bryan Robinson, Shelley Durham	Incomplete	Review and report back by end of Q2, 2020, as noted.	Postponed to Q3, 2020.
January 28, 2020 Regular Council Meeting	Engineering and Assets	CC2020-01.11.2 Petition Regarding the Resurfacing of a Portion of Cottingham Road	Juan Rojas, Lisa Peimann	Incomplete	Review and report back by end of Q2, 2020, as noted.	Postponed to Q4, 2020.
January 28, 2020 Regular Council Meeting	Engineering and Assets	CC2020-01.11.1 Petition Regarding the Speed Limit on Yelverton Road	Juan Rojas, Lisa Peimann	Incomplete	Review and report back by end of Q2, 2020, as noted.	Postponed to Q4, 2020.
January 28, 2020 Regular Council Meeting	Engineering and Assets	CW2020-018 Memo from Councillor Ron Ashmore, regarding a left turning lane into Lakeview Estates	Juan Rojas, Lisa Peimann	Incomplete	Review and report back by end of Q3, 2020, as noted.	Postponed to Q4, 2020.

Meeting Site	Department	Agenda Item	Assigned To	Status	Description	Comments
November 19, 2019 Regular Council Meeting	Office of the CAO	CW2019-200 By-law Revisions to Allow for Backyard Chickens	Aaron Sloan	Incomplete	Review request for possible amendment to the by-law to allow backyard chickens; report back by end of Q3 2020.	Report by end of Q3, 2020.
November 15, 2019 Special Council Meeting	Engineering and Assets	CC2019-26.5.3 Memo - Proposed Direction for New Development Charges By-law - Incenting Job Creators	Juan Rojas, Lisa Peimann	Incomplete	Revise by-law and report back in Q4, 2020, as noted.	Report back in Q4, 2020 on "community benefit charge". Report back in Q4, 2021 with financial update on development charges.
October 22, 2019 Regular Council Meeting	Public Works	CW2019-194 Full Winter Maintenance for the Cul de Sac Accessing Francis Street, Fenelon Falls	Bryan Robinson, Shelley Durham	In Progress	Continue winter maintenance for 2019-2020 winter season and report back by end of Q1, as noted.	Postponed to Q3, 2020.
July 16, 2019 Regular Council Meeting	Public Works	CC2019-18.14.2.4 Memo - Level of Service for Gillis Street, Killarney Bay Road and Grove Road	Bryan Robinson, Shelley Durham	Incomplete	Continue service pending enactment of agreement with referral back to Council if an agreement is not reached by Spring 2020.	Ongoing. Postponed to Q3, 2020 for report back (if necessary).
June 18, 2019 Regular Council Meeting	Public Works	WM2019-008 Construction and Demolition Recycling Pilot Results and Recommendations	Bryan Robinson, Shelley Durham	In Progress	Coordinate pilot extension and report back by June 30, 2020, as noted.	Postponed to July, 2020 Council Meeting.

Meeting Site	Department	Agenda Item	Assigned To	Status	Description	Comments
February 19, 2019 Regular Council Meeting	Office of the CAO	CAO2019-003 Committees/Boards/ Task Forces – Policy and Code of Conduct Amendments	Ron Taylor, Jane Pyle, Robyn Carlson	Incomplete	Report back with legal opinion.	Targeting June, 2020 Council Meeting.

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2020-005

Meeting Date: May 26, 2020

Title: Electronic Participation - Amendments to the Procedural By-law (Post State of Emergency)

Description: To Provide for Electronic Participation at Council, Local Boards and Committees - Post State of Emergency

Ward Number: All

Author and Title: Cathie Ritchie, City Clerk

Recommendation(s):

That Report CLK2020-005, **Electronic Participation - Amendments to the Procedural By-law**, be received;

That Council approves electronic participation in accordance with section 238 (3.1) of the Municipal Act for Council, Local Boards and Committees;

That Council approves electronic participation as prescribed for all Other Advisory Committees and Task Forces amending all Terms of Reference effective June 1, 2020.

That a by-law to amend the Procedural By-law be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

During a State of Emergency

The province passed legislation amending the Municipal Act to provide for virtual meetings of Council, Local Boards and Committees during any period where an emergency has been declared in all or part of the municipality under the Emergency Management and Civil Protection Act

Following the City of Kawartha Lakes declaring a State of Emergency, Council passed an amendment to its Procedural By-law (Amending By-law 2020-001) at their Meeting of April 28, 2020, to permit electronic participation for council, local boards and the Planning Advisory Committee, in the manner set out in the by-law. In addition, and unlike when a municipality is not under a State of Emergency, members may be counted in determining whether or not a quorum of members is present, vote and can participate electronically in a meeting that is closed to the public if they are authorized to do so.

Post State of Emergency

Once a municipality is no longer under a State of Emergency Section 238 (3.1) and (3.2) applies. The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

Currently the Procedural By-law does not provide for Electronic Participation Post State of Emergency.

Public Participation and Access

In order to maintain physical distancing, public participation and access to meetings were provided by Livestreaming and written submissions during the State of Emergency. Due to the continued health threats, there is an expectation that once the State of Emergency is lifted physical distancing will need to be continued.

Committees Electronic Participation

During the State of Emergency, Committee Meetings were suspended due to physical distancing requirements and limited staff resources. As the health and safety remains at the forefront, the expectation is that physical distancing will be

necessary once the State of Emergency has been lifted. To enable Committees to continue operating, electronic participation may be necessary in accordance with the applicable Terms of Reference and protocols.

Rationale:

Electronic Participation Non-State of Emergency Amendment

In order to provide for electronic participation, the Procedural By-law would require amending to provide for the following:

1. Electronic participation would apply to Council, Local Boards and Committees of Council.
2. Members who are unable to attend Council, Local Board or Committee Meetings may participate by means of audio/visual or audio electronic communication devices under the following circumstances:
 - a. The Mayor/Chair shall be present and will not participate electronically.
 - b. Members participating electronically may be included in the debate, but shall not be counted in determining a quorum and therefore can not vote.
 - c. Participation electronically shall be limited to open meetings only.
 - d. The Clerk shall be notified 72 hours in advance.
 - e. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
 - f. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
 - g. In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. Non-members that would be permitted to participate electronically includes: City staff, consultants, deputations and invited presenters.

Other Advisory Committees' Terms of Reference – Electronic Participation

- a. In order for other Advisory Committees to operate and continue physical distancing, Council would be required to amend the Committees' Term of Reference to allow for Electronic Participation effective June 1, 2020. Members participating electronically shall not be counted in determining a quorum and therefore will not be included in the voting results.

Participation by Non-Members

To further public participation and enable non-member presentations during this abnormal time, processes will be provided to enable various means for input into meetings. Written submission will be received, circulated to members and read into the minutes. Participation will be provided through electronic means and only when necessary in person arrangements may be made through timed appointments.

Other Alternatives Considered:

Status quo.

Financial/Operation Impacts:

No significant financial impacts anticipated.

Attachments:

By-Law 2020-XXX to amend the Procedural By-law to permit Electronic Participation (post emergency)

Department Head E-Mail: rtaylor@kawarthalakes.ca

Division Head: Cathie Ritchie, City Clerk

Department Head: Ron Taylor, CAO

The Corporation of the City of Kawartha Lakes

By-Law 2020-XXX

A By-law to Amend By-law 2020-035, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes

Recitals

1. Section 238(2) of the Municipal Act, requires that every municipality and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;
2. Subsection 238(3.1) of the Municipal Act, the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time; and
3. The Council of the City of Kawartha Lakes adopted By-law 2020-001 as amended, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of 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 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.

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

1.03 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: Amendment Details

2.01 Amendment: That a new Section 5.07 be inserted after section 5.06 in By-law 2020-001 as follows:

5.07 Electronic Participation Non-State of Emergency:

1. Electronic participation would apply to Council, Local Boards and Committees of Council.
2. Non members that would be permitted to participate electronically includes, City staff, consultants, deputations and invited presenters.

3. Members who are unable to attend Council, Local Board or Committee Meetings may participate by means of audio/visual or audio electronic communication devices under the following circumstances:
 - a. The Mayor/Chair shall be present and will not participate electronically.
 - b. Members participating electronically may be included in the debate, but shall not be counted in determining a quorum and therefore can not vote.
 - c. Participation electronically shall be limited to open meetings only.
 - d. The Clerk shall be notified 72 hours in advance.
 - e. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
 - f. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
 - g. In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
4. All electronic meetings will be available on Livestreaming or other video technology.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on May 26, 2020.

By-law read a first, second and third time, and finally passed, this 26th day of May, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number HS2020-003

Meeting Date: May 26, 2020

Title: Community Pandemic Recovery Task Force

Author and Title: Rod Sutherland, Director of Human Services

Recommendation(s):

That Report HS2020-003, **Community Pandemic Recovery Task Force**, be received for information purposes; and

That the Community Pandemic Recovery Task Force Terms of Reference, appended as Attachment A to Report HS2020-003, be approved; and

That Councillors Ashmore, Elmslie and Richardson, Fire Chief Mark Pankhurst, and Director Rod Sutherland be appointed to the Community Pandemic Recovery Task Force; and

That the appointed Task Force members be delegated the authority to appoint the community representatives to the Task Force from the sectors as identified in the Terms of Reference.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

On April 28, 2020 Council adopted the following resolution:

That the verbal report from Ron Taylor, Chief Administrative Officer, regarding a Community Pandemic Recovery Task Force, be received;

That a Community Pandemic Recovery Task Force be established;

That staff are directed to prepare the Community Pandemic Recovery Task Force Terms of Reference; and

That the final terms of reference and update to Council on interested stakeholders and volunteers be provided at the May 26 Council Meeting.

This report addresses that direction.

Rationale:

Due to the COVID-19 pandemic, the City declared a State of Emergency on March 24, 2020. The pandemic has had far-reaching impacts on virtually all aspects of people's lives.

Although the City is but one level of government, it is the closest to the community and, as a direct service provider, and as the service system manager for Housing and Social Services, it has a leading role to play in the community's pandemic recovery.

The impacts on the broader human services sector affect both those who rely on those supports and services, and the service providers or organizations who deliver them. As the community adapts to living in the new realities of the pandemic and post-pandemic period it will be imperative to fully understand the impacts on people and service providers. In order to assist in identifying and assessing these impacts, a Community Pandemic Recovery Task Force is being established to co-ordinate this planning at a high level.

The City is committed to working with, and supporting, community service providers to co-ordinate services and enhance capacity for improved outcomes. The existing relationship between the City and many service providers, whether through established planning committees, service networks or funding agreements will assist in launching the Task Force and securing positive outcomes.

The Community Pandemic Recovery Task Force Terms of Reference are appended as Attachment A. Members of the Task Force will include City Councillors appointed by Council, the City's Fire Chief and Director of Human Services, and two representatives of each of the local health care, children and

youth services, and community and social services sectors. The individual representatives from the external sectors shall be confirmed by the appointed Council representatives within 7-10 days of the Task Force being established.

In addition to the primary members, the Task Force will establish working groups that include City staff and other community representatives to address specific needs or sectors. The Chief Executive Officer of the Kawartha Lakes Public Library, the City's Community Partnership and Programs Supervisor and Accessibility Officer are part of the Task Force planning group and will have specific roles in their respective expertise. The Office of Strategy Management will lead the Task Force engagement initiatives and support the overall process.

Public participation will be sought through multiple methods including the City's online engagement tool, "Jump In, Kawartha Lakes."

While the work of the Task Force will focus on recovery from the pandemic, it is acknowledged that significant direct response efforts are continuing at this time. The recovery planning and implementation will overlap with response efforts and are expected to complement those response efforts.

In 2019, through the Police Services Act, the Ministry of the Solicitor General mandated the development of Community Safety and Well-Being Plans (CSWBP) by single-tier municipalities in Ontario. The planning process allows municipalities to take a leadership role in defining and addressing priority risks in the community through proactive, integrated strategies that ensure vulnerable populations receive the help they need from the providers best suited to support them.

A report on the development of a Kawartha Lakes CSWBP had been scheduled to be presented to Council at the April 7, 2020 Committee of the Whole meeting. The Province has now extended the original December 31, 2020 deadline for the completion of a CSWBP. A specific deadline has not yet been set.

As they have similar goals of supporting community health and well-being, the work of the Community Pandemic Recovery Task Force is expected to lay the foundation for much of the CSWBP. The Task Force will consider the framework and goals of the CSWBP as it progresses in an effort to streamline the latter's work.

To support residents and businesses in accessing information on Financial and Food and Community supports, the following web pages have already been created on the City website.

Financial Help: <https://www.kawarthalakes.ca/en/business-growth/covid-19-financial-help.aspx>

Food & Community Supports - <https://www.kawarthalakes.ca/en/living-here/covid-19-food-and-community-supports.aspx>

Financial Impacts:

The financial impacts of the pandemic are currently being assessed by Corporate Services. The work of this Task Force is not expected to incur direct financial expenses beyond minimal administrative costs.

The Task Force may make recommendations to Council that have financial implications and may include the reallocation of existing budgets to shift resources to improve recovery efforts or secure matching subsidies from external sources.

Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:

The Task Force directly relates to the Strategic Priorities of An Exceptional Quality of Life and Good Government.

Attachments:

Appendix A: Community Pandemic Recovery Task Force Terms of Reference



Community
Pandemic Recovery ~

Department Head E-Mail: rsutherland@kawarthalakes.ca

Department Head: Rod Sutherland

Terms of Reference

Name: Community Pandemic Recovery Task Force

Date Established by Council: May 26, 2020

Task Force Completion/Reporting Date: to be determined

Mission:

The Community Pandemic Recovery Task Force is established to provide advice and recommendations to Council and Staff on resources and support required to ensure community recovery from the COVID-19 Pandemic. This will include:

- Co-ordination and implementation of recovery and relief efforts to support non-profit and community service providers in the broader health and human services sector
- Compilation of a comprehensive list of community support services
- Identification of funding opportunities and mobilization of appropriate resources to obtain funding
- Recommendations for partnerships and working groups in order to best leverage existing programs and services
- Identification of gaps in service delivery and recommendations to address them
- Recommendations for the City's 2021 Operating Budget

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself

or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Task Force will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Task Force business in keeping with the Task Force's Terms of Reference and established Policies.

Activities:

The following represent the general activities of the Task Force:

- a) To make recommendations to Council and Staff on strategy, policies and various issues to achieve Council's strategic priorities relating to the Task Force's established scope of work as defined in the Terms of Reference.
- b) Developing and undertaking a broad community engagement strategy to build on the members' awareness of local risks, vulnerable groups and protective factors.
- c) Establish working groups to inform the work of the Task Force.
- d) Developing and maintaining a dynamic data set, and ensuring its ongoing accuracy as new sources of information become available.
- e) Identify funding opportunities and mobilize appropriate resources to obtain funding.
- f) Determining the priority risk(s) that the plan will focus on based on available data, evidence, community engagement feedback and capacity.
- g) After priority risks have been identified, all actions going forward should be designed to reduce these risks, or at least protect the vulnerable groups from the risks.
- h) Based on community capacity, developing an implementation plan or selecting, recruiting and instructing a small number of key individuals to do so to address the selected priority risk(s) identified in the plan.
- i) Where feasible, align plans and outcomes of the Task Force to the work of the provincially required Community Safety and Well-Being Plan.

Composition:

The Task Force shall be comprised of a maximum of 12 members consisting of:

- Up to four Council members as appointed
- Up to two people who represent from the local health care sector
- Up to two people who represent the children and youth services sector
- Up to two people that represent the community and social services sector
- City staff: Kawartha Lakes Fire Chief and Director of Human Services

The Task Force shall consist of a minimum of 8 members. Task Force members will be appointed by Council in accordance with established policy.

Appointment of Officers:

The Task Force shall, at its first meeting, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services. All Task Force members are considered volunteer positions.

Term of Appointment:

Task Force members will be appointed for a term ending upon final recommendation to Council/Staff and prior to December 31, 2021. Any extension to this Term shall be recommended to Council via the liaison department through a report to Council prior to the expiration date with the final decision being that of Council.

Resources:

The Human Services Department and Kawartha Lakes Fire Rescue Service will provide support in the form of advice, day-to-day liaison with the City and information sharing.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Task Force Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Task Force or at the call of the Chair.

Meetings:

The Task Force shall hold a minimum of two (2) formal business meetings – one to start the work of the Task Force and to set the work plan and one to conclude the work of the Task Force. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for formal business meetings shall consist of a majority of the members of the Task Force. No meeting shall proceed without quorum. Work of the Task Force can be done through working groups.

At the first meeting of the Task Force, an Orientation Session shall be held for members.

Working meetings throughout the term to advance the efforts of the work plan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Task Force a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. No formal minutes are required to be taken at working meetings; however, notes shall be taken.

Procedures:

Procedures for the formal business meetings of the Task Force shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Closed Meetings:

The Task Force shall not be permitted to hold Closed Meetings.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Task Force Members. The City Clerk's office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Task Force shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Recording Secretary at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Task Force Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

The Task Force recommendations shall be brought forward to Council via the liaison department through a report to Council.

It will be the responsibility of the Task Force Chair to provide a memo to the liaison department identifying the Task Force recommendations for final preparation of the report.

Purchasing Policy:

This Task Force has no purchasing or procurement responsibilities.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Task Force and its members. The applicable insurance policies extend to Task Force members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Task Force must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Task Force members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario (“WSIB”) and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Task Force who misses three consecutive formal business meetings, without being excused by the Task Force, may be removed from the Task Force in accordance with adopted policy.

Any member of the Task Force may be removed from the Task Force at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Task Force Members; disrupting the work of the Task Force; or other legal issues. The process for expulsion of a Task Force member is outlined in the City’s **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk’s Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Task Force at any time. Any changes proposed to these Terms of Reference by the Task Force shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Task Force may be dissolved by resolution of Council.

Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2020-016

Meeting Date: May 26, 2020

Title: Economic Recovery Taskforce Terms of Reference

Description: Economic Recovery Taskforce Terms of Reference, appointments and update on current status

Ward Number: All

Author and Title: Rebecca Mustard, Manager, Economic Development

Recommendations:

That Report ED2020-016, **Economic Recovery Taskforce Terms of Reference**, be received;

That the Economic Recovery Terms of Reference as outlined in Appendix A to report ED2020-016 be approved, and;

That Mayor Letham, Deputy Mayor Councillor O'Reilly, Councillor Seymour-Fagan, and Councillor Veale, and the Directors of Development Services and Engineering and Corporate Assets be appointed to the Economic Recovery Taskforce; and

That the appointed Task Force members be delegated the authority to appoint the community representatives to the Task Force from the sectors as identified in the Terms of Reference.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of April 28, 2020, Council adopted the following resolution:

CR2020-113

Moved By Councillor Yeo Seconded By Councillor Seymour-Fagan

That the verbal report from Ron Taylor, Chief Administrative Officer, regarding an Economic Recovery Task Force, be received;

That an Economic Recovery Task Force be established;

That staff are directed to prepare the Economic Recovery Task Force Terms of Reference; and

That the final Terms of Reference and update to Council on interested stakeholders and volunteers be provided at the May 26 Council meeting.

This report addresses that direction.

The COVID-19 pandemic has created unprecedented challenges to the economy. In March, 2020, the Canadian economy alone lost one million jobs. This was the largest decline in history with the majority of jobs concentrated in accommodations, food service, retail trade and cultural industries and is only considered to be the beginning.

Locally, the Kawartha Lakes economy has been challenged with essential workplace lists and physical distancing impacting the ability for local businesses to operate. A resilient community, many local businesses have made tremendous efforts to reorient and adapt their business processes. However, this is not enough. There is a need for a municipal response to partner with provincial and federal initiatives, to strategically work towards economic recovery.

Economic development by definition is a process;

by which public, business and non-governmental sector partners work collectively to create better conditions for economic growth and employment generation. Local economic development is thus about communities continually improving their investment climate and business enabling environment to enhance their competitiveness, retain jobs and improve incomes (World Bank & FCM)

Economic recovery from COVID-19 will require cooperation amongst a multitude of stakeholders. A key stakeholder in Kawartha Lakes, the municipality is a catalyst for, and a facilitator of, local economic development and the actions of the municipality in supporting the recovery of local businesses and resilience of the local economy are crucial.

Rationale:

The Economic Recovery Taskforce is focused on stimulating local economic recovery created by the COVID-19. The Taskforce will focus on three strategic areas where the municipality can act as a catalyst to stimulate the local economy; (1) critical infrastructure investments; (2) planning and development stimulus, and; (3) business recovery and support. The Terms of Reference are included in Attachment A.

Taskforce primary members will be Councillors, Staff, Directors and representatives of the infrastructure, development and business community.

The Taskforce will establish Working Groups to address specific economic response and recovery needs. These Working Groups will include representation from local Chambers of Commerce, Business Improvement Area, sector and industry associations.

At the discretion of the Taskforce, Working Groups may be organized in various ways, including by; community, sector (including agriculture and food, construction, arts/culture/heritage, manufacturing, retail, services, and tourism) associations (including Chambers of Commerce, Business Improvement Associations, industry associations, and Team Kawartha Lakes), and public interest.

Broader stakeholder engagement will be an important component of Taskforce work. The municipal **Jump In** platform will be a primary tool for this process.

Actions to date: Pandemic Response

Since the municipality declared a State of Emergency in response to the COVID-19 pandemic on March 24, 2020, Staff have worked, as permitted, on all three areas of focus;

- (1) **Critical infrastructure projects** municipal construction continued, primarily on projects that were underway and deemed critical and essential. Communication continued with the development community to

assist preparing next steps and readiness for continued construction, registration and the creation of lots when permitted.

- (2) **Planning and Development stimulus:** complete applications continue to be processed, as capacity and resources permit. Building Permits received have been processed with the goal to have permits issued in advance of the revocation of the provincial order to allow for industry partners to be shovel ready at that time.
- (3) **Business response and supports:** continue to be delivered remotely through a four-part approach;
 1. Direct virtual business assistance: one-on-one consultations with local businesses (over 100 interactions since the end of March), COVID-19 workshop series;
 2. Sector based response: strategic information sharing, advocacy and communications with regional and provincial industry organizations;
 3. Business resources and communications: Creation and regular updating of the COVID-19 Business Resource page: [www.kawarthalakes.ca/COVID19 business](http://www.kawarthalakes.ca/COVID19_business), weekly update newsletter (over 3,000 subscribers), and social media program;
 4. Team Kawartha Lakes: collaboration of over 12 economic development and business organizations meeting bi-weekly to share information and coordinate response in support of Kawartha Lakes businesses.

COVID-19 Economic Recovery

Following the April 28, 2020, Council meeting, Staff commenced strategic initiatives to support economic recovery in the three focus areas:

(1) Critical Infrastructure Investments

A preliminary list of critical infrastructure projects has been identified;

- Active municipal (Attachment B) and 3rd party construction projects (Attachment C)
- Potential upcoming construction work (Attachment B)
- Development driven construction (Attachment D)

Resources are currently being reviewed to support the execution of these projects to stimulate construction and the community benefit at completion.

(2) Planning and Development Stimulus

A preliminary list of shovel ready planning and development projects has been identified (Attachment E) to stimulate private sector development and job creation.

New processes are currently in place to continue services in the Planning and Building Divisions and meet the requirements of the provincial and municipal state of emergency. These include;

- Digital processing of general inquiries, compliance letters, consent and site plan applications;
- Virtual pre-screening and development review meetings (pre-consultation meetings will commence shortly)
- Receipt and circulation of new development applications

Staff continue to work on developing a process for public hearings, Planning Advisory Committee and Committee of Adjustment meetings that meet legislative and pandemic requirements.

The Local Planning Appeal Tribunal has been closed since the State of Emergency was declared until at least June 30th. While they are scheduling some settlement hearings through teleconferences and accepting some electronic documents, they are not presently accepting new appeals.

(3) Business Recovery and Support

To support ongoing response and recovery efforts of the municipality and Team Kawartha Lakes partners, a survey of local business community was conducted between April 28- May 11, 2020. The survey was designed to identify strategic areas for local support and stimulus, and conducted in two phases;

- Phase One: a scientific phone survey was administered by the Economic Development Division between Tuesday April 28 to Monday May 4, 2020. A total of 179 surveys were completed.

- Phase Two: an online survey available to all Kawartha Lakes businesses between Monday May 4 and Monday May 11, 2020. This survey was shared through a press release, social media, the newsletter and Team Kawartha Lakes organizations. Over 300 surveys were completed.

Staff is following up with businesses that requested information or resources in their surveys.

Preliminary results from Phase One found the vast majority of businesses have experienced a decrease in business despite over half of businesses being considered essential by the Province of Ontario. Responses indicate immediate concerns of businesses are keeping customers, distribution and supply chains, choosing whether to stay open or close, meeting required staffing levels and staff health and safety.

While half of businesses found the government assistance announced to be helpful to their business, over a third did not find the assistance available to be helpful. The survey requested business input for the Economic Recovery Taskforce. This input and the full survey results will be analyzed and shared with the Taskforce.

In addition to the survey, staff are currently re-focusing municipal Economic Development programs to support the recovery of local businesses with a focus on five (5) key clusters as identified in the City's Economic Development Strategy; agriculture and food, arts/culture/heritage, innovation, manufacturing, and tourism. This includes the conclusion of the Destination Development Plan (Tourism Strategy) with an evidence-based response to COVID-19 and the development of a tourism marketing campaign.

Other Alternatives Considered:

Council could choose an alternative format for the Economic Recovery Taskforce, however, it is not recommended due to the need for an immediate response to the economic impact of the COVID-19 pandemic and the significant number of stakeholders that should participate in these activities.

Financial/Operation Impacts:

This report does not create direct financial implications. Recommendations brought forward to Council from the Taskforce will have financial implications that will be presented at that time.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

The COVID-19 pandemic, while a health crisis, has had an unprecedented impact on economies around the world, including Kawartha Lakes. The Economic Recovery Taskforce aligns with the municipal goal of reviving a Vibrant and Growing Economy by working to stimulate the local economy and support recovery of the local business community.

Consultations:

Chief Administrative Officer

Director, Development Services

Director, Engineering and Corporate Assets

Chief Building Official

Manager, Planning

Supervisor, Development Engineering

Discussions regarding this taskforce have been held with local and regional business organization, including Team Kawartha Lakes.

Attachments:

Attachment A: Economic Recovery Taskforce Terms of Reference



Economic Recovery
Terms of Reference -

Attachment B: Active and upcoming municipal projects



Attachment B -
Active and Potential

Attachment C: Agency and 3rd party projects



Attachment C -
Agency 3rd Party Prc

Attachment D: Development driven construction



Attachment D -
Development Driven

Attachment E: Planning projects



Attachment E -
Planning Projects.pc

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Terms of Reference

Name: Economic Recovery Taskforce

Date Established by Council: May 26, 2020

Task Force Completion/Reporting Date:

Mission:

The Economic Recovery Taskforce is established to provide advice and recommendations to Council and Staff on resources and support to stimulate local economic recovery from the COVID-19 Pandemic.

This will include a focus on three strategic areas;

- Critical Infrastructure Investments
- Planning and Development Stimulus
- Business Recovery and Support

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Task Force will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Task Force business in keeping with the Task Force's Terms of Reference and established Policies.

Activities:

The following represent the general activities of the Task Force:

- a) To make recommendations to Council and Staff on strategy, policies and various issues to achieve Council's strategic priorities relating to the Task Force's established scope of work as defined in the Terms of Reference.
- b) Develop and execute an engagement strategy with local businesses, communities, business organizations, and industry associations to support the development and implementation of initiatives.
- c) Support the development of measurable indicators to identify and track economic recovery outcomes.
- d) Establish Working Groups to inform the work of the Taskforce.
- e) Provide strategic advice and guidance to the three strategic focus areas;
 - i. Critical infrastructure investments: Refinement, prioritization and promotion of critical infrastructure projects that will stimulate construction and job creation including; active municipal and 3rd party construction projects; potential upcoming construction work; development driven construction;
 - ii. Planning and Development Stimulus: Advance a focused approach to a streamlined execution of development policy and approvals for shovel ready planning and development projects to stimulate private sector construction and residential and non-residential growth;
 - iii. Business Recovery and Support; Survey of local businesses to understand the Kawartha Lakes business experience, and identify gaps in current funding and support programs, and propose initiatives to address immediate and future challenges to support business recovery with a specific focus in agriculture and food, arts/culture/heritage, innovation, manufacturing, and tourism clusters.

- f) Guide the development of a Kawartha Lakes Economic Recovery Plan.

Composition:

The Task Force shall be comprised of a maximum of 10 members consisting of up to 4 members of the public, 2 Staff, and 4 Council representatives all of whom will have full authority to debate and vote. Task Force Core Members will be appointed by Council in accordance with established policy. The Core Members will consist of;

- Mayor
- Deputy Mayor
- Two (2) Councillors
- Director of Development Services
- Director of Engineering and Corporate Assets

In the interest of activating this Taskforce to respond to the immediate needs of the local economy as well as recovery, the Core Members shall appoint the remaining Taskforce members which shall include;

- One (1) person with direct experience in infrastructure stimulus projects
- One (1) person with direct experience in development projects in Kawartha Lakes
- One (1) person with a direct knowledge of the impact of COVID-19 on local business and the economy
- One (1) person at large

All appointed voting members may be represented at meetings by a designated alternate (if applicable). A designated alternate must be formally designated by an appointed member in writing to the Task Force to represent them. Designated alternates must be approved by the Task Force and are subject to all of the requirements and criteria set out in the Terms of Reference.

Additional resources will be called on by the Chair when required including the Economic Development, Planning, Building and Development Engineering Divisions, other City Staff, Health Unit, and regional Provincial Staff.

Working Groups will be established by the Taskforce to address specific economic response and recovery needs. These Working Groups will include representation from local Chambers of Commerce, Business Improvement Area, sector and industry associations.

At the discretion of the Taskforce, Working Groups may be organized in various ways, including by; community, sector (including agriculture and food, construction, arts/culture/heritage, manufacturing, retail, services, and tourism) associations (including Chambers of Commerce, Business Improvement Associations, industry associations, and Team Kawartha Lakes), and public interest.

Appointment of Officers:

The Mayor shall be the Chair and the Deputy Mayor shall be the Vice Chair of the Taskforce. It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services. All Task Force members are considered volunteer positions.

Term of Appointment:

Task Force members will be appointed for a term ending upon final recommendation to Council/Staff and prior to (Insert Date). Any extension to this Term shall be recommended to Council via the liaison department through a report to Council prior to the expiration date with the final decision being that of Council.

Resources:

The Development Services Department and Engineering and Corporate Assets Department will provide support in the form of advice, day-to-day liaison with the City and information sharing.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Task Force Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Task Force or at the call of the Chair.

Meetings:

The Task Force shall hold meetings at the call of the Chair. The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Task Force. No meeting shall proceed without quorum.

At the first meeting of the Task Force, an Orientation Session shall be held for members.

Working meetings throughout the term to advance the efforts of the work plan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Task Force a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. No formal minutes are required to be taken at working meetings; however, notes shall be taken.

Procedures:

Procedures for the formal business meetings of the Task Force shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Closed Meetings:

The Task Force shall not be permitted to hold Closed Meetings.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Task Force Members. The City Clerk's office

will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Task Force shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Development Services Department at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Task Force Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

The Task Force recommendations shall be brought forward to Council via the liaison department through a report to Council.

It will be the responsibility of the Task Force Chair to provide a memo to the liaison department identifying the Task Force recommendations for final preparation of the report.

Purchasing Policy:

This Task Force has no purchasing or procurement responsibilities.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Task Force and its members. The applicable insurance policies extend to Task Force members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Task Force must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Task Force members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Task Force who misses three consecutive formal business meetings, without being excused by the Task Force, may be removed from the Task Force in accordance with adopted policy.

Any member of the Task Force may be removed from the Task Force at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Task Force Members; disrupting the work of the Task Force; or other legal issues. The process for expulsion of a Task Force member is outlined in the City's **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Task Force at any time. Any changes proposed to these Terms of Reference by the Task Force shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Task Force may be dissolved by resolution of Council.

Critical Infrastructure Investment

Active Municipal Construction Projects

Project / Program Name	Type of Work	Timeframe	Approx. Value
Kent St / Lindsay St Reconstruction	Road, Sewer, Watermain Construction	Feb - Nov 2020	\$ 5,800,000.00
Colborne St Reconstruction	Road, Sewer, Watermain Construction	Apr - Oct 2020	\$ 6,000,000.00
Fenelon Falls Water Treatment Upgrades	Water Treatment Improvements	Apr 2019 - Sep 2020	\$ 1,500,000.00
Various Road Surface Asphalt Works (yr 2 of contract)	Road paving top coat and boulevard works	May - July 2020	\$ 750,000.00
			<u>14,050,000.00</u>

Upcoming Municipal Construction Work

Project / Program Name	Type of Work	Timeframe	Approx. Value
Urban Rural Resurfacing	Road Asphalt Resurfacing	July - Aug 2020	\$ 2,300,000.00
Rural Resurfacing	Road Asphalt / Hi Float Resurfacing	June - Sep 2020	\$ 3,700,000.00
Life Cycle Extension	Road Asphalt Resurfacing, Crack Sealing	June - Aug 2020	\$ 1,000,000.00
Sidewalk Construction	Concrete Sidewalk Construction	June 2020	\$ 300,000.00
Gravel Program	Gravel Resurfacing	May - Aug 2020	\$ 1,500,000.00
Lindsay Waste Water Treatment Upgrades	Waste Water Treatment Improvements / Expansion	July 2020- Dec 2022	\$ 22,400,000.00
Bobcaygeon Water Tower Recoating	Water Treatment Improvements / Maintenance	Sep 2020	\$ 530,000.00
Sommerville Land Fill Cell Cover	Waste Management Capital	Sep - Nov 2020	\$ 600,000.00
			<u>32,330,000.00</u>

Third Party Agency Projects

Agency Name/Project	Type of Work	Timing	High Level Estimate	
Ministry of Transportation of Ontario (MTO)	Several studies - no construction schedule	Unknown	Unknown	
TSW - Bobcaygeon Swing Bridge	Replacement of steel deck with a new wood one, rehabilitation of steel superstructure, concrete abutments, pivot pier, and approach slabs & new mechanical/electrical operating system	Fall 2020	Unknown	
Bell Canada - Lindsay	Fiber to the home - and to some multi-unit dwellings	Current	Unknown	
Hydro	Pole replacement and new poles for service upgrades	Current	Unknown	
Cable - Cable - Kirkfield	Fiber to all residents			
Enbridge - Fenelon	Service lines to homes	Current	Unknown	
Eastern Ontario Regional Network (EORN) - Rural Cellular Connectivity Projects	Anticipated accessing to towers and interconnecting fiber through municipal ROW	Soon	\$71 M	Federal money to Eastern Rural Ontario

Shovel Ready Design Projects

Project / Program Name	Type of Work	Timing	High Level Estimate
Ellice Street	Road, Sewer, Watermain Construction	Ready Now	\$ 3,000,000.00
Elliot Street	Road, Sewer, Watermain Construction	Ready Now	\$ 1,800,000.00
Murray Street	Road, Sewer, Watermain Construction	Ready Now	\$ 3,500,000.00
Bob Brown Way and Bradley Street	Road Urbanization	Ready Now	\$ 600,000.00
Glenelg Street West	Road, Sewer, Watermain Construction	Ready Now	\$ 1,800,000.00
Downtown Lindsay - Phase 3	Road, Sewer, Watermain Construction & Streetscape Beautification	Ready Now	\$ 6,500,000.00
			<u>\$ 17,200,000.00</u>

Project / Program Name	Type of Work	Timing	High Level Estimate
Mill Pond Bridge	Bridge Replacement	Ready for September 2020	\$ 1,400,000.00
Hartley Road Bridge	Bridge Replacement	Ready for September 2020	\$ 500,000.00
Ballyduff Road Bridge	Bridge Replacement	Ready for September 2020	\$ 200,000.00
Cameron Road	Road Urbanization	Ready for September 2020	\$ 1,600,000.00
Canal Street	Road, Sewer, Watermain Construction	Ready for September 2020	\$ 3,000,000.00
Downtown Lindsay - Phase 4	Road, Sewer, Watermain Construction & Streetscape Beautification	Ready for September 2020	\$ 4,000,000.00
			<u>\$ 10,700,000.00</u>

Project / Program Name	Type of Work	Timing	High Level Estimate
Fenelon Falls Downtown	Road, Sewer, Watermain Construction & Streetscape Beautification	Ready for December 2020	\$ 2,500,000.00
Omeme Downtown	Road and Sewer Construction & Intersection Upgrades and Streetscape Beautification	Ready for December 2020	\$ 2,100,000.00
			<u>\$ 4,600,000.00</u>

*as per A.Found
spreadsheet &
contingency

PLANNING PROJECTS

12-May-20

Name	Location	Type	Units
573632 Ontario Inc. / Anvil Developments	Lindsay Street North	Residential	155
Muskoka D & M Corporation	West Street, Fenelon Falls	Residential	86
Telecom Tower	Glenarm Road, Twp. Of Fenelon	Facilitate Internet & Cellular Service in the Region	N/A
Islandview Estates Amending Subdivision Agreement		Residential	27
Colborne Street/Chadwin Apartments	Lindsay	Residential	114
MTCO Senior Living Apartments	37 Adelaide Street North, Lindsay	Residential	176
Fieldgate Commercial Seniors Living	Thornhill Road, Lindsay	Residential	220
Lindsay Agricultural Society	Angeline St. S. Lindsay (Ops Twp.)	RV Sites & Amenity Area	95 RV Sites and 352 sq.m. Commercial
Craft Development	Colborne Street & Hwy. 35 Lindsay	Residential / Commercial	395 Singles, 169 Townhouses and 16,663 sq.m. Commercial
Wilson Apartments	Victoria Avenue, Lindsay	Residential	100
Fenelon Falls Home Hardware Expansion	Fenelon Falls	Commercial	Phase 1: Retail 1,186 sq.m., Indoor Garden Centre 185 sq.m. and Office 474 Phase 2: Storage 1,220 sq.m.
Canadian Tire Fenelon Falls Expansion	Fenelon Falls	Commercial	2,460 sq.m.
1853869 Ontario Inc./ All-into-One Storage	74 Colborne Street, Lindsay	Commercial	1,171 sq.m.
Tony Gallo Industrial/Office	203 St. David Street, Lindsay	Industrial / Office	2,340 sq.m. warehouse and 1,390 sq.m. Office
Redman Storage Units	KL Road 36, Lindsay	Commercial	507 sq.m
DDB Investments Group Ltd.	140 Angeline Street South, Lindsay	Commercial Hotel	82 Suites
Kings Wharf Subdivision	Pigeon Lake	Residential	21 Singles
Woodland Hills Subdivision	Bethany	Residential	37
Best Homes Ltd.	Bobcaygeon	Residential	64
Marshall Homes	Port 32 Bobcaygeon	Residential	48
Peter Kirby	127 North Street, Bobcaygeon	Residential	8 Apts
CCCKL	Angeline Street North, Lindsay	Institutional	1,485 sq.m.
KLHHC	106 Murray Street, Fenelon Falls	Residential	30

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CS2020-007

Meeting Date: May 26, 2020

Title: CS2020-006 – Powerlinks Extension Agreement with Shaman Power

Ward Number: Three

Author and Title: Craig Shanks, Director of Community Services

Recommendation(s):

That Report CS2020-007, **Powerlinks Extension Agreement with Shaman Power**, be received, and;

That Council authorize the Mayor and Clerk to sign and execute the Agreement.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The former Village of Fenelon Falls and now the City of Kawartha Lakes has a contractual arrangement with Shaman Power Corporation (Formerly Consolidated Hydro Limited) for operation of the water powered generating station in Fenelon Falls. The nature of the contract is such that the station is owned by the municipality, operated by the contractor, and a share of gross revenue is paid back to the municipality on a quarterly basis. This revenue varies depending on demand and water flow but approximates \$40,000 to \$60,000 annually. This money is deposited into a reserve (The Powerlinks Fund) where it is available for use against beautification and improvement projects for the Fenelon Falls waterfront areas.

The fund currently has a balance of approximately \$255,000.00. Recommendations for expenditure are made to Council through its appointed Powerlinks Committee (**Council Policy CP2018-005 Fenelon Falls Powerlinks – Fund Disbursement Policy attached as Appendix A**). The attached Agreement Extension (**Appendix B**) has been negotiated by the Powerlinks Committee and Shaman Power Corporation and reviewed legally and financially and is being recommended to Council for execution.

In 2011 the City directed staff and the Powerlinks Committee to re-engage in discussions with Shaman Power Corporation in anticipation of the expiration of this agreement in 2022. The below resolution indicates that direction;

RESOLVED THAT Report CS2011-040, *"Review of Agreement with Shaman Power in Fenelon Falls"*, be received;

THAT further consideration be given to renegotiation of the existing contract between the City and Shaman Power;

THAT such renegotiation should include input from City finance staff, Powerlinks Committee members and any other related expert as required;

THAT any proposal for a new agreement be brought before Council for approval prior to execution; and;

THAT any external costs incurred in the preparation of the agreement be funded through the Powerlinks Fund.

CR2011-882

The Powerlinks Committee has been working with Shaman Power since that time and this report addresses that resolution.

Rationale:

The Powerlinks Committee has met with Shaman Power multiple times and as a Committee have reviewed the agreement extension.

The basis of the new agreement from Shaman is that they are better able to long term plan and implement capital expenditures and that in return improved financial returns are offered to the City under this new agreement.

The agreement has been reviewed by an external legal counsel on behalf of Powerlinks and the agreement has also been shared internally with the City solicitor and Finance team.

The Fenelon Falls Powerlinks Committee passed the following resolution as a result;

THAT the Powerlinks Committee of Council has read and reviewed the extension contract for the operation of the Fenelon Falls Powerplant, and we RECOMMEND the contract be accepted by the Council of the City of Kawartha Lakes.

Other Alternatives Considered:

Council could choose to open up the potential operations of the Hydro-Electric Generating Station to other potential companies through a bidding procedure. Council could also choose to negotiate for the immediate sale of the facility. The position of the Powerlinks Committee and results of a fiscal review indicate that the extended agreement offers significant financial gain to the City and Fenelon Falls and the continued cash flow resulting from annual operations are of best benefit to the City, and accordingly the extended agreement should be executed.

Financial/Operation Impacts:

There is a significant improvement in funds becoming available annually for the City, Powerlinks Committee, for their mandate as a result of this new agreement. It will allow for funding of an increased level to the various waterfront projects within Fenelon Falls. As well, the Capital Infrastructure investment being made by Shaman Power will release this need from the City.

Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:

The Report and action from within contributes to the Council Adopted Strategic Plan. It can identify all of the Goals, namely:

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

- Goal 3 – A Healthy Environment
- Goal 4 – Good Government

Consultations:

Fenelon Falls Powerlinks Committee
City of Kawartha Lakes Ward 3 Councillor
Shaman Power Corporation
City of Kawartha Lakes Solicitor and Treasurer

Attachments:

Appendix A – Council Policy CP2018-005 Fenelon Falls Powerlinks – Fund Disbursement Policy



CS2020-007
Appendix A - Counc

Appendix B – Draft Extended Powerlinks Agreement with Shaman Power



CS2020-007
Appendix B - Powerl

Department Head E-Mail:

cshanks@kawarthalakes.ca

Department Head:

Craig Shanks, Director of Community Services

Department File:

Council Policy No.:	CP2018-005
Council Policy Name:	Fenelon Falls Powerlinks – Fund Disbursement Policy
Date Approved by Council:	March 14, 2006
Date revision approved by Council:	April 24, 2018 (Updated Policy No.)
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The purpose of the **Powerlinks Fund** is to provide financial assistance for capital projects that lead to the physical improvement, enhancement, and beautification of the community of Fenelon Falls. Funding is derived from annual revenues payable to the City of Kawartha Lakes as a result of the continued operation of the power generation plant operated by Consolidated Hydro Inc. These revenues will be kept in a Reserve Fund managed by the City of Kawartha Lakes for the purposes outlined within this policy.

Scope:

Funding will be available to the City, community-based organizations and individuals for initiatives that meet the program objectives of improving public property in any one of the following areas of focus:

- Beach Park – Fenelon Falls Museum – Docking
- Water Street Promenade – west of Colborne
- Oak Street Improvements
- Water Street – east of Colborne
- Flume Parkette (UPI)
- Fallsview and Heritage Gorge Walkway
- Bass Street Park area south of Railway Bridge

Policy:

1.0 Eligibility Criteria

To be eligible for funding, applicant projects:

- 1.01 Must provide direct enhancement to one of the identified areas of focus in Fenelon Falls.
- 1.02 May be sponsored by an organization that is not-for-profit (or be undertaken directly by the City of Kawartha Lakes).
- 1.03 Must demonstrate that the enhancement will be provided in an effective, accessible, open and inclusive manner. i.e. where a permanent asset/amenity is being contemplated, shall only be used for an amenity, which is publicly accessible to all residents and visitors of Fenelon Falls.
- 1.04 Must not be used to offset what is considered to be “normal” municipal obligations, however, may be used to enhance municipal facilities beyond “normal” obligations.
- 1.05 May be used to partner with other funding opportunities, whether that is private, municipal, provincial or federal to leverage the funds to the maximum degree possible. In such cases of partnership, the applicant must have identified matching funds in place within 6 months of project approval for the project to remain eligible i.e. 50/50 programs.
- 1.06 Must be approved by the City of Kawartha Lakes Council through a staff report that outlines all community involvement and financial implications associated with the project. (including any ongoing operating costs or impact on tax supported programs).

2.0 What Is Not Eligible

Funding is not to be provided:

- 2.01 On a retroactive basis.
- 2.02 To organizations providing a share or membership which may be held or disposed of for personal gain.
- 2.03 To coalitions such as ratepayer or tenant/landlord associations, or to support programs for services geared specifically to these groups.
- 2.04 To organizations aligned with any political party, or to support programs or services that are political in nature.

- 2.05 To organizations operating under the auspices of a religious body, or to support programs or services which are religious in nature.
- 2.06 To support programs or services which are operated under the authority of another level of government, such as social services.
- 2.07 To offset the operating or capital obligations of any organization or business.
- 2.08 For debt retirement expenditures.

3.0 Criteria

- 3.01 Funding is available only when the applicant can demonstrate that there is community support for the project offered by the group; that there is a need for financial assistance; and that adequate funding for the programs is not available from other sources. Community-based partnerships are desired. Priority will be given to those program initiatives identified in the preamble.

4.0 Effectiveness

Effectiveness is achieved when the impacts or outcomes of the program can be identified and measured and is found to be consistent with the Fund's mandate of enhancing or improving the community of Fenelon Falls.

To be categorized as providing an acceptable level of effectiveness, the project must demonstrate, at a minimum:

- 4.01 That the project's objectives are clearly stated, and in keeping with the focus of the fund.
- 4.02 That the project is operated in a cost-effective manner and according to a clear business plan including full disclosure of any anticipated future revenues or expenses.
- 4.03 That the project operates on a self-sufficient and sustainable basis where possible.
- 4.04 That if the project is not fully sustainable, or self-sufficient, that the impact on either the community group or Municipality is fully identified.
- 4.05 That the applicant responds to community needs through modification of the project as required.

5.0 Application

- 5.01 Application for use of Powerlink Funds is to be made through the Community Services Department of the City of Kawartha Lakes in the form of a written proposal/ business plan. The Director will notify the Powerlink Committee of the application(s). Any disbursement of funds will be authorized through Council based on recommendations of the Powerlinks Committee and supported by the Director of Finance.
- 5.02 Each applicant will be required to provide information about the organization and its programs or services; evidence to establish the group's eligibility in terms of the evaluation criteria outlined in this policy; a description of how the group intends to measure the success of the program, service or project if the funding request is approved; and as required, specific financial information related to the group's revenues and assets. Timelines must be clearly expressed.
- 5.03 In the case of application for funding to a not-for-profit organization, the following support information will be required at a minimum:
- i) A statement of the applicant's goal and objectives, constitution and by-laws or if a new group, operating guidelines.
 - ii) The names, addresses and telephone numbers of all members of the group's board of directors or executive.
 - iii) Minutes of the executive meeting at which the application was approved.
 - iv) Financial information as follows:
 - A detailed budget for the project including materials, labour, contracted services and volunteer requirements.
 - The Applicant's financial statement for the previous year and a year to date statement for the current year.
 - A statement disclosing all assets held in reserve as may be applied to ongoing phases of a project.
- 5.04 Incomplete grant applications will not be considered. If requested, The City will provide advice to ensure that the application is completed fully, and that all information requirements are met.

6.0 Approval

6.01 Requests are reviewed by the Powerlinks Committee. The role of this committee is to determine whether the project is eligible and, if so, whether it has demonstrated commitment to the principles as required. Proposals will be selected with the objective of ensuring an equitable distribution of available funds. At no time, will approval be granted to any project that has the potential of committing the fund to expenditures beyond the amount in reserve. This committee will also review the status of approved projects including expenditure of funding allocation. The City has the right to request proof of expenditure.

6.02 City staff will then report on these funding recommendations to City Council for approval.

Projects that are ineligible for funding and whose application will receive no further consideration will be so advised, in writing, as soon as possible.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	24/04/18	Initial Release	

OPERATING AGREEMENT

THIS AGREEMENT (this “**Agreement**”) made as of <*>, 2020

BETWEEN:

THE CITY OF KAWARTHA LAKES,
having its principal offices at 26 Francis Street, Lindsay, ON K9V 5R8

(the “**Municipality**”)

- and -

SHAMAN POWER CORPORATION,
having its principal offices at 611 Tradewind Drive, Ancaster, ON L9G 4V5

 (“**Shaman**” and together with the Municipality each a “**Party**” and collectively the “**Parties**”)

WHEREAS the Municipality (by one of its predecessor municipalities) at one time did operate a hydro-electric generating facility at Fenelon Falls which utility was subsequently acquired by Ontario Hydro and was de-commissioned a number of years ago;

AND WHEREAS, pursuant to a development agreement dated September 15, 1994 (the “**Predecessor Agreement**”), Consolidated Hydro Limited (“**Consolidated**”) agreed to, *inter alia*, develop, construct, operate and maintain a hydro-electric generating facility at Fenelon Falls (the “**Generating Facility**”) and to provide the Municipality with certain payments and rights in relation thereto, in exchange for certain cooperation and actions on the part of the Municipality in relation to the Generating Facility;

AND WHEREAS Shaman has acquired all of Consolidated’s right, title and interest in and to the Generating Facility including without limitation all of Consolidated’s rights and obligations pursuant to the Predecessor Agreement;

AND WHEREAS Shaman has entered into a long-term agreement to sell electricity generated by the Generating Facility to the Independent Electricity System Operator (the “**PPA**”);

AND WHEREAS the parties hereto now wish to amend and restate their arrangements in relation to the Generating Facility and to evidence the same by entering into this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by Shaman to the Municipality (the receipt whereof is hereby acknowledged), Shaman and the Municipality hereby covenant and agree with one another as follows:

1. TERM

The term of this Agreement (the “**Term**”) shall commence on the date first written above, which for greater certainty shall be the date that this Agreement shall have been executed and delivered by each Party to the other Party (the “**Effective Date**”) and shall terminate effective as of the close of business on December 31, 2038 (the “**End Date**”).

2. MUNICIPAL OBLIGATIONS

The Municipality agrees to cooperate and support Shaman’s ownership and operation of the Generating Facility, provided that such cooperation and support shall not be construed to bind or fetter in the Municipality’s jurisdiction over the activities taken or to be taken by Shaman in relation to the Generating Facility, or the issuance by the Municipality of any permit or other approval that may be required by Shaman.

3. SHAMAN OBLIGATIONS

During the term, Shaman shall use commercially reasonable efforts to:

- (a) own and operate the Generating Facility materially in accordance with all applicable laws;
- (b) maintain the Generating Facility in good operating condition; and
- (c) maintain all ancillary contracts and agreements necessary for operation of the Generating Facility in good standing.

4. PAYMENTS TO THE MUNICIPALITY

4.1 In consideration of the Municipality’s obligations hereunder, Shaman agrees to make payments to the Municipality as follows:

- (a) subject to Section 4.2, during each year of the Term, a sum, equal to twenty percent (20%) of Revenue (as defined below), which will be paid in installments not more than 30 days following the date on which Shaman has received the Revenue on which such payment is based, and had a reasonable opportunity to process the information required to perform the calculation of the payment due to the Municipality in respect thereof; and
- (b) if the Effective Date is on or before June 30, 2020:
 - (i) an amount equal to \$200,000, which will be paid not more than 30 days following the Effective Date; and
 - (ii) an amount equal to twenty percent (20%) of the Revenue earned by Shaman during the period commencing on January 1, 2020 and ending on the Effective Date (less any payments made by Shaman to the Municipality for the same period pursuant to the Predecessor Agreement),

which will be calculated and paid promptly following the Effective Date Shaman has received the Revenue on which such payment is based, and had a reasonable opportunity to process the information required to perform the calculation of the payment due to the Municipality in respect thereof.

4.2 If the Revenue for a given calendar year shall be less than \$200,000 and either:

(a) in relation to such calendar year:

- (i) Shaman shall have suffered a major mechanical failure at the Generating Facility; or
- (ii) other circumstances shall have caused the Generating Facility to be operated at a level that is insufficient to generate at least \$200,000 in Revenue during such calendar year;

in either such case other than a Force Majeure Event (as defined below); or

(b) Shaman shall have decided, of its own volition, not to operate the Generating Facility at a level sufficient to generate at least \$200,000 in Revenue during such calendar year;

then in either such circumstance Shaman shall, subject to Section 4.4(c), pay the Municipality, in respect of the applicable calendar year, an amount equal to \$40,000.

4.3 In the event that Shaman shall, of its own volition, fail to operate the Generating Facility at a level that is sufficient to generate at least \$200,000 in annual Revenue for a period of two consecutive calendar years, the Municipality shall have the option to terminate this Agreement by providing written notice to Shaman, and the Term shall end on the date that is six (6) months after the date such written notice was received by Shaman; provided, however, that following receipt of such written notice, if Shaman diligently commences and continues to use commercially reasonable efforts to operate the Generating Facility to its full commercial capacity, such notice shall automatically be deemed to have been rescinded and be of no further force or effect. For greater certainty, the Municipality's option to terminate would not arise in circumstances where Shaman's reason for failing to operate the Generating Facility at the level necessary to yield at least \$200,000 in revenue is outside Shaman's control, including without limitation a Force Majeure Event.

4.4 For purposes of this Agreement:

- (a) unless otherwise expressly specified herein, all amounts otherwise payable hereunder are exclusive of applicable Sales Taxes (as defined below), if any. The amounts otherwise payable by Shaman to the Municipality hereunder will be increased by the amount of any such applicable Sales Taxes. Notwithstanding the preceding sentence, no amount will be added to the amounts otherwise payable by Shaman to the Municipality on account of such Sales Taxes where the Parties have determined, each acting reasonably, that there is a lawful exemption from

such Sales Taxes or the Municipality has remitted such Sales Taxes directly to the relevant taxation authority as required by applicable law or administrative policy of the relevant taxation authority. For greater certainty, each Party shall be responsible for any taxes that are lawfully payable by such Party to any taxation authority. Notwithstanding anything else contained herein, the Parties shall indemnify, defend and hold each other harmless for any liability for any additional taxes (including for greater certainty any interest, penalties, fines, or other similar charges) arising as a result of or in connection with any delay or failure by the applicable Party, for any reason: (i) to charge, collect and/or remit to the relevant taxation authority any Sales Taxes or other taxes due to be collected by it under or in relation to this Agreement; or (ii) to file any tax or information return with the relevant taxation authority in connection with the charging, collection and/or remittance of such Sales Taxes or other taxes. The Municipality represents and warrants that it is a registrant for the purposes of the *Excise Tax Act* (Canada) and its registration number is <*>, and Shaman represents and warrants that it is a registrant for the purposes of the *Excise Tax Act* (Canada) and its registration number is <*>;

- (b) the Municipality shall, upon reasonable written notice to Shaman, have the right, at its sole expense, to examine the records of Shaman related to revenue received by Shaman for electricity generated at the Generating Facility to verify the calculation of Revenue for purposes of this Agreement, and any adjustments found to be necessary shall be made between the Parties expeditiously thereafter;
- (c) any instalment payments made pursuant to Section 4.1(a) shall be subject to adjustment based on the final reconciliation calculations made by Shaman following the end of the fiscal period to which the instalment payments were applicable. In the event that the amount that was actually payable for a given fiscal period was:
 - (i) less than the amount actually paid in instalments, Shaman may withhold the difference from payments otherwise due pursuant to Section 4.1(a) in relation to a different fiscal period; and
 - (ii) greater than the amount actually paid in instalments, Shaman shall pay the difference together with the next payments due pursuant to Section 4.1(a) in relation to a different fiscal period;
- (d) “**Revenue**” in relation to a given fiscal period shall mean the revenue earned from the sale of electricity generated by the Generating Facility during such fiscal period;
- (e) “**Sales Taxes**” means sales taxes, use taxes, value added taxes, goods and services taxes, harmonized sales taxes, export taxes, import taxes and/or customs duties;
- (f) “**Decommission**” means to close off all water passages only; and
- (g) “**Force Majeure Event**” means either:

- (i) an event or circumstance that constitutes a “force majeure event” under the PPA; or
- (ii) an action taken by the Independent Electricity System Operator, any federal, provincial or municipal government and/or any agent, ministry or administrative body thereof that has the effect of terminating or materially altering the PPA and/or depriving Shaman of the benefits thereof or substantially all of the benefits thereof.

5. OPTION TO PURCHASE

5.1 The Parties agree to meet and negotiate in good faith with an eye to reaching agreement on terms and conditions that would apply to Shaman’s continued ownership and operation of the Generating Facility following the conclusion of the Term (a “**Successor Agreement**”). Subject to Section 5.3, if the Parties fail to enter into a mutually satisfactory Successor Agreement, then upon the expiry of the Term, on the day after the End Date, Shaman shall transfer, convey and assign to the Municipality all of Shaman’s right, title and interest in and to the buildings, equipment and generating units comprising the physical plant of the Generating Facility (collectively, the “**Physical Assets**”) free and clear of encumbrances, for a purchase price of Two Dollars (\$2.00)

5.2 In the event that Shaman’s right, title and interest in the Physical Assets shall automatically be transferred, conveyed and assigned by Shaman to the Municipality as contemplated in Section 5.1:

- (a) Shaman shall use commercially reasonable efforts to transfer its interest in any existing ancillary contracts, agreements or warranties related to its operation of the Generating Facility; and
- (b) if the Municipality intends to continue to operate the Generating Facility itself, or through a third party, Shaman shall cooperate and use commercially reasonable efforts to transition its operation of the Generating Facility to the Municipality or such third party as a going concern in a safe manner.

5.3 Notwithstanding Section 5.1, if the Municipality delivers to Shaman, not less than twelve (12) months prior to the end of the term, a written notice that the Municipality does not intend to continue to operate the Generating Facility itself, or through a third party, then Shaman shall Decommission the Generating Facility promptly following the end of the Term.

6. ARBITRATION

6.1 In the event that the Parties are unable to agree as to the interpretation or implementation of any of the terms of this Agreement, then the matter in dispute shall be determined by binding arbitration.

6.2 The Parties shall agree upon an Arbitrator, and if they are unable to agree within 30 days following written notice from one Party to the other, then each Party shall appoint an arbitrator

within 15 days and the two such arbitrators so appointed shall mutually appoint a third arbitrator within the following 15 days.

6.3 The decision of the arbitrator or arbitrators, as the case may be, shall be final and there shall be no appeals on question of law or mixed fact and law. In all other respects, the provisions of the *Arbitration Act* (Ontario), shall apply.

7. SUCCESSORS AND ASSIGNS

7.1 This Agreement shall be binding upon and enure to the benefit of the Parties and their respective successors and permitted assigns.

7.2 Subject to Section 7.3, any assignment of this Agreement and/or any of its provisions by either Party, other than to an entity that is wholly owned by it, shall first require the approval of the other Party, which approval shall not be unreasonably withheld, conditioned or delayed.

7.3 The Municipality specifically acknowledges, agrees and consents to an assignment by Shaman of its right, title and interest in this Agreement in the following circumstances:

- (a) Shaman is contemporaneously assigning its right, title and interest in and to the Generating Facility; and
- (b) the assignee is either:
 - (i) a bona fide third party lender (or its administrative agent) that is: (A) providing financing to Shaman in relation to the Generating Facility; and (B) is taking the assignment hereof as security for Shaman's obligations in relation to such financing; or
 - (ii) an entity that is acquiring all or substantially all of Shaman's assets and undertakings.

7.4 Upon any permitted assignment of this Agreement, Shaman shall not be released from its obligations hereunder, and shall remain bound to perform all of its obligations hereunder in any event.

7.5 In relation to any assignment to an acquirer pursuant to Section 7.3(b)(ii), the acquirer shall be of sound financial and operational ability and demonstrably capable of operating the Generating Facility in accordance with this Agreement, to the satisfaction of the Municipality, acting reasonably.

8. MISCELLANEOUS

8.1 No supplement, modification, amendment, waiver or termination of this Agreement shall be binding unless executed in writing by each Party.

8.2 This Agreement constitutes the sole and entire agreement between the Parties in relation to the subject matter hereof, and supercedes and replaces all previous oral and/or written

agreements and arrangements made between the Parties in relation to the Generating Facility, including without limitation the Predecessor Agreement, and each and every such agreement and/or arrangement is hereby terminated, revoked and of no further force or effect.

8.3 This Agreement shall be construed and enforced in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein from time to time and shall be treated in all respects as an Ontario agreement.

8.4 Any demand, notice or other communication to be given in connection with this Agreement must be given in writing and shall be given by personal delivery to the address specified on the first page hereof, or such other acceptable address and/or mode of delivery that a Party may, by written notice, specifically advise the other Party from time to time to be the proper address and/or mode, as the case may be, for notices to be received by the notifying Party.

8.5 This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which taken together will be deemed to constitute one and the same instrument. Counterparts may be executed either in original or faxed or electronic form, and the Parties may adopt any signatures received by a receiving fax machine or other electronic means as original signatures of the Parties.

8.6 Each Party covenants and agrees to promptly take, execute, acknowledge and deliver all such further acts, documents and assurances as the other Party may reasonably request from time to time in order to carry out the intent and purposes of this Agreement.

8.7 If any provision of this Agreement is determined by an arbitrator or a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such determination shall not impair or affect the validity, legality or enforceability of the remaining provisions hereof, and each provision is hereby declared to be separate, severable and distinct.

[the remainder of this page is intentionally left blank and the signature page follows]

IN WITNESS WHEREOF the Parties have executed this Agreement as of the date first written above.

THE CITY OF KAWARTHA LAKES

Per: _____
Name:
Title:

Per: _____
Name:
Title:

I/we have authority to bind the
Municipality

SHAMAN POWER CORPORATION

Per: _____
Name:
Title:
I have authority to bind the corporation

38832580.7

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2020-007

Meeting Date: May 26, 2020

Title: ENG2020-007 Life Cycle Extension, Local Asphalt Road
Section Candidates

Description: RD2007 Local Asphalt Work

Ward Number: All

Author and Title: Mike Farquhar, Supervisor Technical Services

Recommendation(s):

**That Report ENG2020-007, Life Cycle Extension, Local Asphalt Road
Section Candidates, be received.**

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the January Regular Council meeting the following resolutions were passed.

CW2020-009

That Report MAYOR 2019-001, Deputy Mayor's 2019 Round Table Meetings on Roads, be received;

That staff be directed to provide a report to Council that outline recommendations for the maintenance and improvement of road drainage by the end of Q2, 2020;

That staff be directed to provide a report to Council with recommendations to enhance education and awareness related to our roads network, work plans, and allotted resources by the end of Q2, 2020; and

That staff report to Council each spring regarding life cycle extension needs in relation to the approved budget.

Carried

This report updates Council on the 4th resolution, being updating Council on the proposed projects for the Life Cycle extension program. The other resolutions will be reported on by respective departments that they pertain to.

The intent of the Life Cycle Extension program as outlined in the 2020 Capital program RD2007, is to maintain and preserve roads sections. This is done through the following scopes

Table 1:

Program Types
Local Asphalt Paving
Local Surface Treatment
Micro-Resurfacing
Slurry Sealing
Crack Sealing

The program utilizes these methods in order to sustain road section segments in a reasonable state until such time as a future capital project is programed.

The main methods of preservation being used in RD2007 for 2020 will be Crack sealing and Local Asphalt paving at different locations throughout the City.

Rationale:

This report is in response to Council resolution **CW2020-009**, to identify locations for local asphalt repair under the Life Cycle Extension program RD2007.

Table 2 is a list of hard topped roads identified by Public Works as requiring repair from spring breakup conditions.

The scope of work for these road sections involve spot repair by resurfacing with an overlay of hot mix asphalt in spot segments of the roads, but is not limited to and can include pulverizing adding gravel and paving. The majority of the work will be done on segments within the described sections in Table 2, with the exception of Shamrock Road where the intention is to pulverize this section and grade it for Public Works to maintain as a gravel road section until it is proposed for resurfacing in the Roads 5 Year Plan. This proposed date is in the 2021 Capital budget.

Table 2:

Area	Name	From	To
Eldon	The Glen	Eldon Road	1.1 km West
Coboconk	Cameron Rd (Norland)	Hwy 35	Hwy 35
Coboconk	Richmond St East/West	CKL 35	East/West
Oakwood	Ramsey Rd	#1169	#1127
Oakwood	Bowen Rd	Washburn Island Rd	Rosies Rd
Fenelon	Chambers Rd	Mark Rd	CKL 21
Emily	Shamrock Rd	Centreline Rd	Sturgeon Rd
Manvers	John St	#266	Hooper
Manvers	Homestead Rd	CKL 12	John St
Bobcaygeon	Cedar Glen	Sturgeon Rd	Loghouse
Burnt River	Northline Rd	Various	Various

Other Alternatives Considered:

The goal will be to tender these sections and complete the work that has been identified by Public Works. Based on tendering and work efficiencies, if there are any remaining funds in RD2007 for additional work it will be prioritized by Engineering and reported back on at a future date to Council.

Financial/Operation Impacts:

This project is being funded from RD2007 and based on the allotted budget within it. It is not anticipated at this time to have any impacts other than the cash flowing of funds in coordination with Finance.

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

This project relates to Goal 1 by maintaining the City's existing infrastructure:

- Goal 1 – A Vibrant and Growing Economy

It also aligns with the Strategic Enablers of "Efficient Infrastructure & Asset Management" and "Responsible Fiscal Resource Management".

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Implications:

N/A

Consultations:

Public Works

Attachments:

N/A

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering and Corporate Assets

Department File: ENG2020-007

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CORP2020-006

Meeting Date: May 26, 2020

Title: 2020 Tax Policy Decisions

Ward Number: All

Author and Title: Linda Liotti, Manager, Revenue and Taxation

Recommendation(s):

That Report CORP2020-006, 2020 Tax Policy Decisions be received.

That optional property classes for the 2020 tax year are not adopted;

That the tax rate reduction for vacant and excess land in the commercial and industrial class be set as 30% and 35% respectively for 2020;

That the tax rate reduction for First Class Undeveloped Farm Land be set at 45% for 2020;

That the capping and threshold parameters be established as follows:

	Commercial	Industrial
Annualized Tax Limit	10%	10%
Prior Year's CVA Tax Limit	10%	10%
CVA Tax Threshold for Protected Properties (Increases) (\$0 to \$500)	500	500
CVA Tax Threshold for Clawed Back Properties (Decreases) (\$0 to \$500)	500	500
Properties that were at CVA Tax in 2019 or that would cross over CVA Tax in 2020 are to be excluded from capping.	Yes	Yes

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That the decrease claw back parameters for 2020 be set at 0% for multi-residential, commercial and industrial;

That Council approve the 2020 tax ratios as outlined in Appendix A to report CORP2020-006; and

That the necessary by-laws be forwarded to Council for adoption.

Background:

The Municipal Act, 2001 and the Assessment Act provide Council with the authority to make decisions concerning property taxation.

These decisions include:

1. adoption of optional property classes;
2. tax rate reductions for commercial and industrial properties where the land is in the property subclass of vacant land, or excess land;
3. capping and threshold parameters for properties in the multi-residential, commercial, and industrial property classes;
4. limiting the decrease for commercial, industrial, and multi-residential property classes subject to “claw back” provisions; and
5. revising tax ratios to mitigate tax shifts between the broad property classifications.

Further to item 5 above relating to tax ratios, at the Council meeting of April 23, 2019, Council adopted the resolution (CR2019-293) that staff be directed to examine the impacts of adjusting the Farm tax ratio and the impacts of different incremental reductions of Farm tax ratios.

The findings of staff’s examination were reported (CORP-2019-026- Farm Tax Ratio Review) at the Committee of the Whole meeting on October 8, 2019, where it was received and recommended to be brought forward to Council.

Subsequently, at the Council meeting of October 22, 2019, Council adopted a resolution (CR2019-575) that the Farm Tax Ratio Review report be received and referred to the Agricultural Development Advisory Committee to provide comment.

The Agricultural Development Advisory Committee comments and supporting data charts are attached as Appendices B, C and D.

Rationale:

All recommendations noted below are consistent with the prior taxation year.

1. Optional Property Classes

The Assessment Act provides for the implementation of optional property classes. This allows Council to apply different tax ratios to different property classes within the “main” property classes of commercial and industrial. Optional property classes include:

- Shopping Centre (included in the Commercial Broad Class)
- Parking Lots (included in the Commercial Broad Class)
- Office Building (included in the Commercial Broad Class)
- Large Industrial (included in the Industrial Broad Class)
- New Multi-Residential (included in the Multi Residential Broad Class)

Different tax ratios may be implemented if optional property classes are adopted. The tax ratios in these situations must fall within the legislated ranges of fairness.

The City of Kawartha Lakes has not adopted optional property classes ensuring that all properties within a defined “broader” property class are taxed at the same level.

Recommendation 1:

That Council does not adopt optional property classes for the 2020 tax year.

2. Tax Rate Reduction Factors

Subsection 313(1) of the Municipal Act, 2001 provides that tax rates levied for property in the commercial and industrial classes that are not classed as “occupied” be reduced.

Recommendation 2:

The tax rate reduction by-law for 2020 provide for reductions as follows:

Commercial:	30%
Industrial:	35%
First Class Undeveloped Farm Land:	45%

3. 2020 Capping and Threshold Parameters

The tools allowing for the movement of properties out of the capping calculation were updated in 2016, and implemented in 2017. The updated limits are reflected below:

- 5 - 10% of prior year capped taxes, or
- 0 - 10% of the prior year CVA taxes, and
- If the property is within \$500 of paying CVA taxes (either capped or claw backed).

Staff is recommending Council continue approving the maximum options available to move as many properties to CVA tax as possible once again this year.

Recommendation 3:

The City of Kawartha Lakes implements the capping and threshold parameters as shown above.

4. Claw back_

Each year a by-law is required to provide the percentage of the tax decrease that is retained by the municipality (clawed back) in order to fund the properties that receive capping protection. The purpose of this by-law is to allow staff to apply these provisions to subsequent adjustments to the tax roll after the final tax bills are calculated.

Recommendation 4:

As in 2019, it is recommended that the decrease claw back parameters be established at 0% for multi-residential, commercial and industrial properties.

5. Tax Ratios

Section 308 of the Municipal Act, 2001 requires municipalities to pass a by-law establishing tax ratios for each taxation year. Municipalities have the opportunity to decrease tax ratios, moving the ratios closer to the “range of fairness”.

Property Class	Range		Kawartha Lakes
	Lower Limit	Upper Limit	
Residential	1.00		1.00
Multi-Residential	1.00	1.10	1.956823
New Multi-Residential	1.00	1.10	1.00
Commercial / Office / Shopping Centre	0.60	1.10	1.379305
Industrial / Large Industrial	0.60	1.10	1.346448
Pipeline	0.60	0.70	2.001314
Farm	up to 0.25		0.25
Managed Forests	0.25		0.25

The farm tax class is within the “range of fairness”. The Agricultural Development Advisory Committee comment on this ratio, is attached as Appendix B.

Recommendation 5:

The City of Kawartha Lakes establishes tax ratios as outlined in Appendix A.

Financial/Operation Impacts:

To lessen the financial burden on residents impacted by COVID-19, the City deferred the payment of property taxes for 60 days. The interim property tax installment due on April 29 was extended to June 27. As a result of this extension, the historical final property tax due dates of June and September will need to be amended accordingly. A 60-day deferral would result in final billing due dates of August and November.

There are no financial implications for the municipality with the recommendations.

Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:

Tax policy recommendations do not directly impact or align with a specific Strategic Priority.

Department Head E-Mail: jstover@kawarthalakes.ca
Department Head: Jennifer Stover

Appendix A

2020 Tax Ratios

Property Class	Tax Ratio
Residential and Farm	1.000000
New Multi Residential	1.000000
Residential FAD 1	0.550000
Farmland	0.250000
Managed Forest	0.250000
Multi Residential	1.956823
Commercial Occupied	1.379305
Commercial Excess Land	1.379305
Commercial Vacant Land	1.379305
Landfill Occupied	1.353442
Industrial Occupied	1.346448
Industrial Excess Land	1.346448
Industrial Vacant Units	1.346448
Pipelines	2.001314

Appendix B

At the March 10, 2020 meeting of the Agricultural Development Advisory Committee the following motion was carried unanimously:

Moved by P. Brown and seconded by R. Bonis That the information regarding percentage of tax collected by class provided by Councillor Veale be received; and That the ADAC committee recommends that Council adjusts the percentage of the residential class that that the farmland class pays, in order to keep the percentage of the total tax burden that farmland pays the same as the 2019 levels. The request aims to maintain the percentage of the total tax burden for farmland, rather than continuing to result in an increasing share of the total tax burden.

Appendix C

Chart of Percentage of Taxes by Class



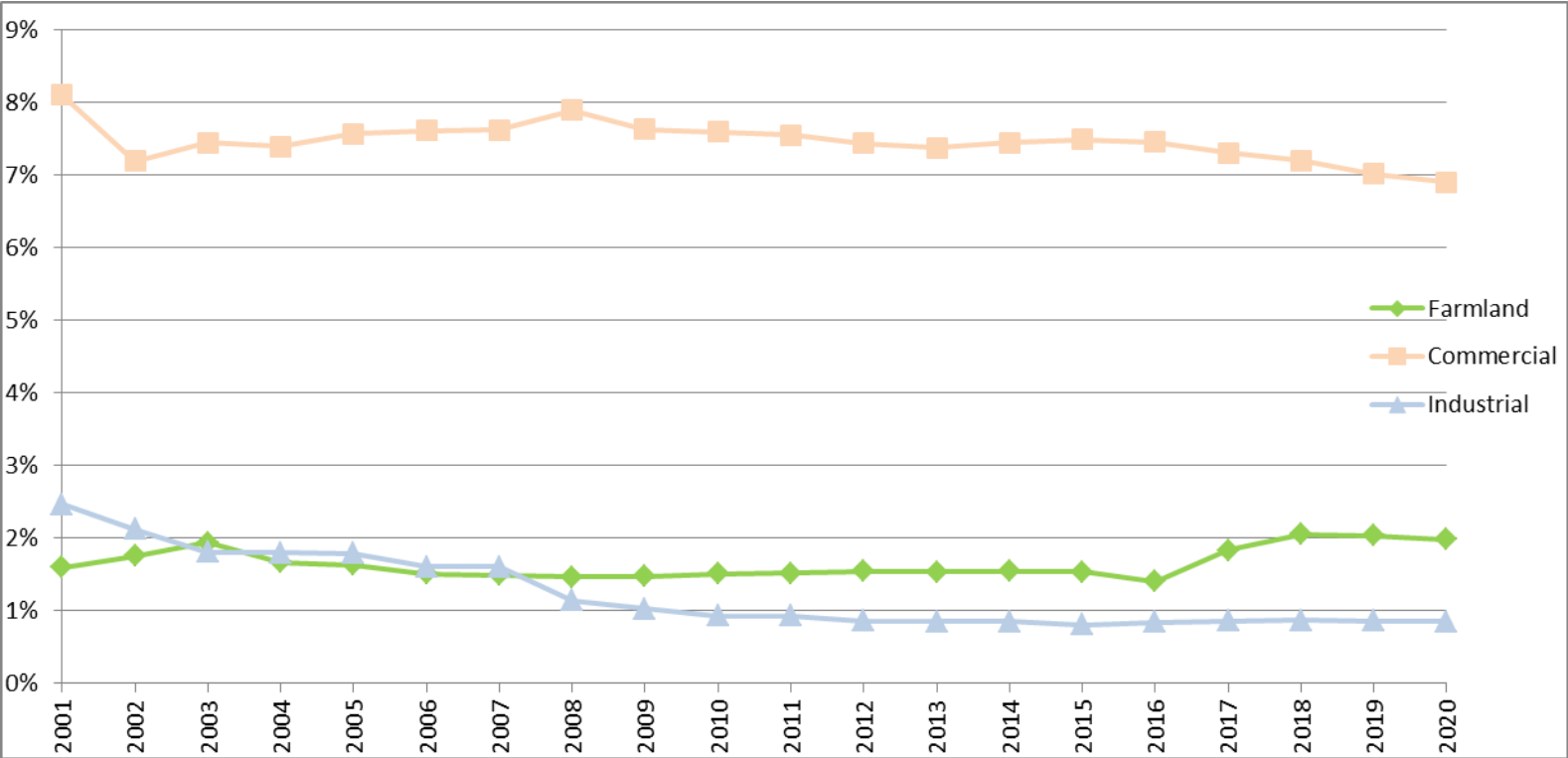
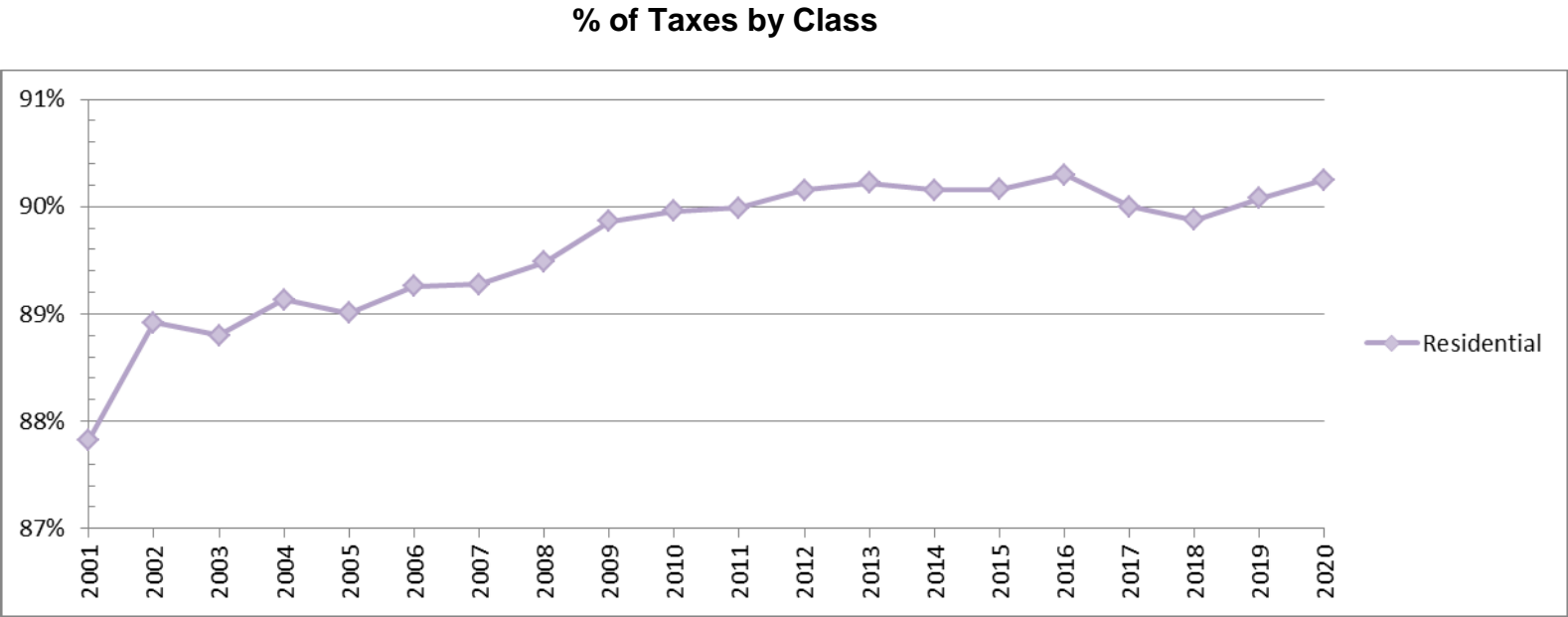
Appendix C-Chart -
Percentage of Taxes

Appendix D

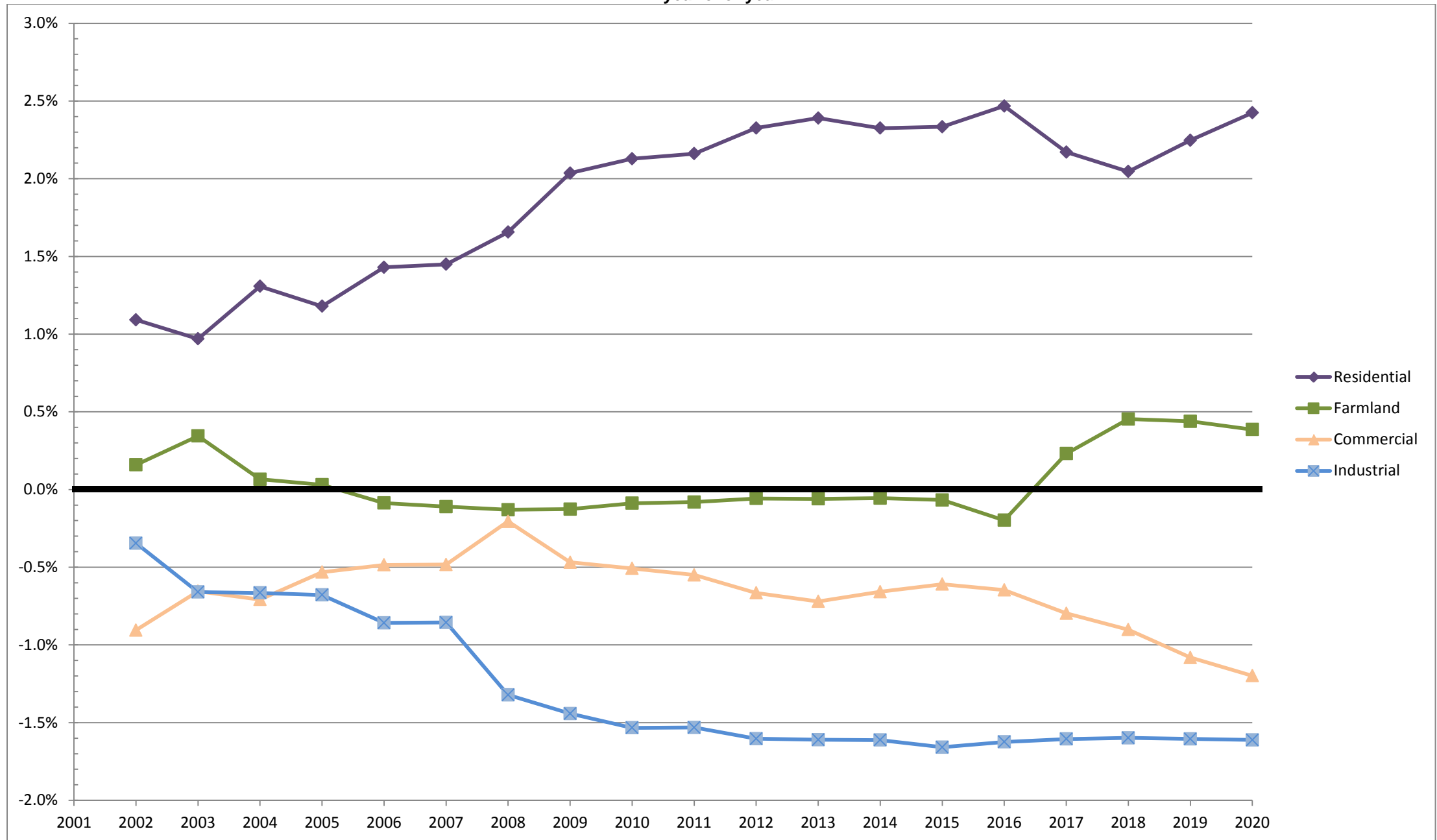
Graphical Data of Cumulative Change



Appendix D -
Graphical Data - Cui



Cumulative Change of % of Total Taxes
year over year



The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-012

Meeting Date: May 26, 2020

Title: Official Plan and Zoning By-law Amendments to facilitate a residential severance of an existing dwelling

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-law 6-87 on land described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 (Parkbridge Lifestyle Communities Inc.)

Ward Number: Ward 6

Author and Title: Anna Kalnina, Planner II

Recommendation(s):

That Report PLAN2020-012, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix B to Report PLAN2020-012, be approved and adopted;

That the Zoning By-law Amendment, substantially in the form attached as Appendix C to Report PLAN2020-012, be approved and adopted; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on March 11, 2020 and the following resolution was passed:

PAC2020-007

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2020-007, **respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003**, be received; and

That Report PLAN2020-007 respecting Applications D01-2020-001 and D06-2020-003 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.

This report provides an evaluation of the applications in the context of the recently updated Provincial Policy Statement 2020 and a review of conditions proposed in the draft Zoning By-law.

Rationale:

EcoVue Consulting Services Inc. has submitted applications to amend the 'Rural' designation in the City of Kawartha Lakes Official Plan to include a Special Provision, and to amend the 'General Rural (A1) Zone' and 'Open Space (OS) Zone' in the Township of Verulam Zoning By-law 6-87 with Exception Zones in order to facilitate a severance of an existing dwelling from the existing recreational commercial operation. The Report PLAN 2020-007, included as Appendix 'A,' provides further details of the proposal.

Provincial Policy Statement (PPS) 2020

The applications were received and reviewed under the PPS 2014 and staff have concluded in the Report PLAN 2020-007 that the applications are consistent with the PPS 2014.

The PPS 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the Council of a municipality shall be consistent with the policy statement that is in

effect on the date of the decision. Therefore, the applications are now subject to the policies in the PPS 2020.

The PPS 2020 was reviewed for changes as they relate to the applications, and there is one applicable change. Policy 1.1.5.2 in the PPS 2020 permits on rural lands, residential development, including lot creation that is locally appropriate. The proposed severance is not anticipated to affect the rural character, nor would it result in additional non-agricultural development as the dwelling subject to the proposed severance already exists and additional dwellings are proposed to be prohibited on the remnant A1 area. The proposed residential lot, therefore, is considered to be locally appropriate.

There are no further applicable changes in the PPS 2020 that affect the applications. Staff are satisfied that the applications are consistent with the PPS 2020.

Analysis of Conditions in the Draft Zoning By-law Amendment

1. Expansions in the vegetation protection buffer

The applicant has proposed to amend the OS zone boundary in the Township of Verulam Zoning By-law 6-87 to delineate a 30-metre vegetation protection buffer and floodplain area. The majority of the existing dwelling falls within the 30-metre vegetation buffer. In the OS zone, however, dwellings are not permitted. The applicant has, therefore, requested that the OS zone have an exception that recognizes the existing buildings and structures within the proposed 30-metre vegetation protection buffer and permits expansions to the existing buildings and structures subject to conditions.

The Report PLAN2020-007 notes that the GP policy 4.2.3.1.e) allows expansions to existing buildings and structures into the vegetative protection zone where there is no other alternative. Where that is the case, the GP provides that expansions must be limited in scope and kept within close geographical proximity to the existing structure.

The majority of the existing dwelling's footprint is within the vegetative protection buffer and expansion opportunities are limited. The applicant has delineated the floodline and intends to maintain it zoned OS, which ensures development in the hazardous lands is prohibited and some buffering is maintained from the hydrologic and natural heritage features. Consequently, Staff have determined it reasonable to recognize the existing residential use within the OS zone and allow for limited expansion outside of the floodplain.

To develop appropriate limits on any potential expansion in accordance with the GP, Staff consulted with Kawartha Conservation (KRCA). The existing dwelling and the surrounding areas are within the KRCA's regulated area and any additions to the existing dwelling would be subject to a permit from the Conservation Authority. KRCA's policies 4.4.2(7) and 4.4.2(8) provide that development should be directed away from the floodplain and areas susceptible to erosion hazard (area within 6 metres of the floodplain), where possible.

Staff also considered relevant City of Kawartha Lakes Zoning By-laws on expansions in protected areas. Section 18.2.1 Enlargements of an Existing Building in the Township of Ops Zoning By-law 93-30 allows for enlargements to existing buildings within the Hazard Lands (HL) Zone by a maximum of 25 percent of the ground floor area that existed as of the date of passing of the By-law. The overall intent of the HL Zone in the Ops Zoning By-law is similar to the OS Zone in the Verulam Zoning By-law.

Further to the above, Staff recommend that the OS-16 Zone boundary be delineated such that it directs any potential expansions away from the floodplain or the erosion hazard area, and that the Zone limit expansion to the existing dwelling to be no more than 25 percent of the ground floor area, which Staff computed to be 30 square metres from the existing ground floor area. Provided that the existing dwelling has a gross floor area of 247 square metres, the maximum expansion to the gross floor area may not exceed 277 square metres.

2. Residential development in remnant area

The proposed severance would create a retained lot where recreational activities are intended to continue unaffected. Within the proposed retained lot, the area immediately abutting the proposed residential lot would remain zoned A1. The resulting abutting remnant A1 area would be about 1.5 hectares. Once the existing dwelling is severed off, this remnant area would have the effect of allowing an agricultural use, and a single detached or a seasonal dwelling.

A new dwelling on the remnant A1 area would not be desirable and would not be locally appropriate. In considering the goals and objectives of the Rural designation, Staff conclude that it is appropriate to limit further non-farm development and the possibility of another residential lot in the remnant A1 area. The applicant has provided that there are no plans to expand the commercial use into the remnant A1 area. Staff, therefore, recommend the remnant A1 area be zoned A1-22 and prohibit dwellings.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

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

Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies four Strategic Priorities:

- A Vibrant and Growing Economy

- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

The applications align with a vibrant and growing economy, as they meet the goal of protecting and supporting agricultural land and rural business, while also supporting tourism by responding to the changing needs of the business model. The applications also support a healthy environment by promoting sustainable development.

Consultations:

Public:

No additional comments have been received since those detailed at the Public Meeting on March 11, 2020.

Agency Review Comments

May 14, 2020 Agriculture Development Officer, Economic Development is supportive of the severance of the residential lot on the lands to be zoned A1-21 and supportive of the restriction prohibiting a dwelling on the lands to be zoned A1-22. These provisions will allow current and future agricultural uses to remain on this portion of the property. Protection of agricultural lands for current and future uses is supported in the Kawartha Lakes Strategic Plan as well as the Economic Development Strategy and there are often demands for small pieces of agricultural lands for small scale production.

Conclusion:

In consideration of the comments and issues in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be approved.

Attachments:

The following attached documents may include scanned images of maps and drawings. If you require an alternative format, please contact Anna Kalnina, Planner II, akalnina@kawarthalakes.ca.

Appendix 'A' – Report PLAN 2020-007



Appendix A -
Report PLAN2020-00

Appendix 'B' - Proposed Official Plan Amendment



Appendix B -
Proposed OP Amenc

Appendix 'C' - Proposed Zoning By-law Amendment



Appendix C -
Proposed Zoning By

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2020-001 and D06-2020-003

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-007

Meeting Date: March 11, 2020

Public Meeting

Title: Official Plan and Zoning By-law Amendments to facilitate a residential severance of an existing dwelling

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-law 6-87 on land described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 (Parkbridge Lifestyle Communities Inc.)

Ward Number: Ward 6

Author and Title: Anna Kalnina, Planner II

Recommendations:

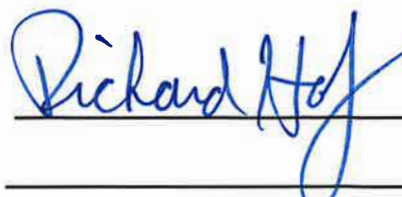
That Report PLAN2020-007, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received; and

That Report PLAN2020-007 respecting Applications D01-2020-001 and D06-2020-003 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:**

Legal/Other:

Chief Administrative Officer:



Background:

The applicant has submitted applications for an official plan amendment and a zoning by-law amendment. The proposal is to amend the 'Rural' designation to include a Special Provision, and to amend the 'General Rural (A1) Zone' and 'Open Space (OS) Zone' with Exception Zones. The purpose of the amendments is to facilitate a severance of an existing dwelling from the existing recreational commercial operation. The proposed residential lot would be approximately 1.8 hectares and the retained lands would be approximately 46.7 hectares. See Appendices 'A' and 'B'. The existing recreational commercial operation is not intended to be affected by the severance.

Owner:	Parkbridge Lifestyle Communities Inc.
Applicant:	EcoVue Consulting Services Inc.
Legal Description:	Part Lot 5, Concession 4, Geographic Township of Verulam
Designation:	Rural and Environmental Protection on Schedule 'A' of the City of Kawartha Lakes Official Plan
Zone:	'General Rural (A1) Zone', 'Recreational Commercial (C3) Zone', 'Recreational Commercial Exception Two (C3-2) Zone', 'Recreational Commercial Exception Three (C3-3) Zone', 'Open Space (OS) Zone' and 'Open Space Exception Five (OS-5) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law 6-87
Lot Area:	48.63 hectares [120.17 acres]
Site Servicing:	Proposed severed residential lot – private well and septic system, and ditches Proposed retained lot – Communal water and wastewater systems with ditches
Existing Uses:	Single detached dwelling, 226 site campground resort (Nestle In Resort) and 62 site park model trailer community (Heron's Landing Resort)
Adjacent Uses:	North: Rural land East: Emily Creek South: Mobile home park (Glenway Village) and rural land West: Rural land

Rationale:

The existing single detached dwelling on the property is located east of Dunsford Creek and has an existing access to City Road 36. The two-storey dwelling is serviced by a private septic and well and has a detached garage. The dwelling was used by the previous recreational park operators to live on-site. The

business model has changed since and the dwelling is no longer necessary for park operation purposes.

An Official Plan Amendment is required to re-designate the lands from Rural to Rural Special Policy Area in order to facilitate a residential lot severance that is not a lot for a retiring farmer or a surplus dwelling as a result of farm lot consolidation. The Environmental Protection designation is proposed to remain unaffected.

The Zoning By-law Amendment is required to permit a 1.8 hectare residential lot area that is otherwise not permitted. The applicant is also proposing to establish a 30 metre vegetation protection buffer from Dunsford Creek by way of zoning that area to an Open Space Exception (OS-**) Zone. The proposed effect of the Exception zone is to recognize the existing buildings and structures, and allow for their expansions subject to conditions.

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

1. Official Plan Amendment and Zoning By-law Amendment Applications received January 10, 2020.
2. Planning Justification Report, prepared by EcoVue Consulting Services dated August 23, 2019. This document discusses the appropriateness of the applications in the context of the Provincial Policy Statement (2014), Growth Plan (2019), the City of Kawartha Lakes Official Plan (2012) and the Township of Verulam Zoning By-law 6-87.
3. Addendum Letter to the Planning Justification Report (August 23, 2019), prepared by EcoVue Consulting Services dated February 10, 2020. The letter supplements the review of the Provincial Policies in the Planning Justification Report and provides a rationale for the requested lot size.
4. Agricultural Impact Assessment, prepared by Clark Consulting Services dated September 4, 2018. This report evaluates impacts of the uses on the local area, as well as review of the Minimum Distance Separation Formulae.
5. Sewage Works Assessment for Due Diligence, prepared by C.C. Tatham & Associates Ltd. dated November 21, 2016. The report provides findings of a two-day sewage assessment conducted in September, 2016.
6. Drinking Water Systems Assessment for Due Diligence, prepared by CC. Tatham & Associates Ltd. dated November 21, 2016. The report provides a review of the drinking water systems, physical condition of equipment and facilities, and compliance with applicable guidelines, procedures and regulations.
7. Topographic Survey, prepared by EcoVue dated December 14, 2018.

8. Revised Topographic Survey, prepared by EcoVue dated February 7, 2020.
9. Consent Sketch, prepared by EcoVue dated February 15, 2018.
10. Revised Consent Sketch, prepared by EcoVue dated February 10, 2020.

Staff has reviewed the Planning Justification Report and the Addendum Letter that was prepared and filed in support of the applications and has reviewed other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans.

Provincial Policy Statement, 2014 (PPS)

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

Policy 1.1.4.1 encourages that the existing housing stock on rural lands be conserved and redeveloped. The PPS policy 1.1.5.5 further provides that development on rural lands must be appropriate to the infrastructure which is planned or available. The proposed severance would have the effect of preserving the existing dwelling and utilizing the existing and available infrastructure associated with the dwelling.

Creation of lots must comply with the Minimum Distance Separation (MDS) Formulae as per policy 1.1.5.9. The applicant has submitted an Agricultural Impact Assessment (AIA) that includes a review of the MDS. The AIA document finds that the proposed severance is exempt from the MDS Formulae under the Guideline 8 – MDS Setbacks for Lot Creation, as the proposed severed and retained lot is for an existing non-agricultural use.

The property has significant woodlands along Dunsford Creek and a provincially significant wetland (PSW). Policy 2.1.1 requires that natural features, including significant woodlands, be protected for the long term. Policy 2.1.5 provides that development and site alteration is not permitted in significant woodlands and PSW's unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The definition of development includes lot creation. Through the pre-consultation, the Kawartha Conservation staff exempted the proposal from an Environmental Impact Study, as the intent of the proposed severance is to sever an existing dwelling, rather than facilitate new development. Furthermore, the proposed severance is outside of the 120 metres from the PSW that is located on the subject property.

In Section 3.0 Protecting Public Health and Safety, policy 3.1.1 provides that development shall generally be directed to areas outside of hazardous lands adjacent to streams which are impacted by flooding hazards and/or erosion hazards. Furthermore, policy 3.1.2 provides that development and site alteration are not permitted in a floodway. The applications propose to facilitate the creation of a lot that is directly adjacent to Dunsford Creek. The lot lines of the proposed

lot would be within the flooding and/or erosion hazard. The application shows the flood limit (250.5m elevation) on a revised Consent Sketch (Appendix 'C'). Staff have considered policy 3.1.2 and are satisfied that the proposed application is consistent with this PPS policy. The proposal does not create new or increase the existing hazards associated with property damage or loss of life in an event of a flood. The existing dwelling, and the existing access to the property and the dwelling are outside of the flood hazard, which means that in an event of a flood, the dwelling and persons would be accessible by emergency vehicles. Lastly, the application is not proposing any site alteration that would exacerbate flooding conditions or cause environmental impacts.

Further to the above discussion, this application is consistent with the PPS.

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

The GP directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

Policy 4.2.3.1 provides that development is not permitted within key natural heritage features and key hydrologic features, which includes significant woodlands, fish habitat, streams and wetlands. However, policy 4.2.3.1 excepts expansions to existing buildings and structures, provided that the expansion brings the use more into conformity with the GP. Similar to the discussion on the PPS, the proposed severance is not anticipated to create any negative land use, environmental or ecological impacts.

Policy 4.2.4.1 provides that a proposal for a new development within 120 metres of a significant woodland, fish habitat and a key hydrologic feature requires a natural heritage evaluation or hydrologic evaluation that identifies a vegetative protection zone that is no less than 30 metres from the feature. The applicant supplied a hydrologic evaluation in the addendum letter to the Planning Justification Report recognizing that the proposed severance provides an opportunity to protect natural features. Further to the hydrologic evaluation, the applicant proposes to re-zone the area 30 metres from Dunsford Creek as Open Space Exception (OS-**) Zone. The Exception would have the effect of prohibiting new development or site alteration in areas prone to flooding, while recognizing existing buildings and structures.

Policy 4.2.6.3 recognizes that outside of settlement areas there may be an interface between agricultural uses and non-agricultural uses. Where avoidance is not possible, the GP requires that compatibility is achieved by minimizing and mitigating adverse effects. An AIA concluded that there are no apparent impacts of the existing uses on surrounding agricultural lands.

Therefore, this application is consistent with the GP.

City of Kawartha Lakes Official Plan, 2012 (OP)

The OP designates the subject lands Rural and Environmental Protection, and identifies an overlay of Significant Woodlands, PSW and a Petroleum Well. The applicant has requested to amend the Rural designation to Rural with a Special Provision. The Special Provision would facilitate the creation of a residential lot that is over 1 hectare, that is not a lot for a retiring farmer or a lot with a surplus dwelling.

The Rural designation contemplates and permits limited, low density single detached dwellings. Rural residential severances, however, are limited to the creation of a residential lot for a retiring farmer or a surplus dwelling as a result of farm lot consolidation. The residential severances are contemplated by the policies only in the context of agricultural uses. Given that the subject lands are used for non-agricultural uses, Staff look to the goals and objectives of the Rural designation.

The goals and objectives of the Rural designation (sections 16.1 and 16.2) support the protection of agricultural land from non-farm activities and support the preservation of rural character. The proposed applications are not proposing new non-agricultural uses, or any additional buildings or structures that may have the effect of changing the rural character; therefore, the proposed severance is considered to be in keeping with the intent of the Rural designation.

For development in Rural designation, the MDS Formulae must be used to ensure appropriate buffering as per policy 16.3.2. The applicant has considered the MDS requirements in the submitted AIA and found that the proposed severance is exempt from the Formulae.

Policy 17.3.3 states that a lot may be created where it is partially designated Environmental Protection provided that there is sufficient lot area outside of the Environmental Protection designation in the abutting land use designation, as is the case on the subject property. In general, the OP requires that residential lots in the Rural designation do not exceed 1 hectare in area and are not less than 4,000 square metres. The proposed lot would have lands designated Rural and outside of the Environmental Protection designation in excess of 1 hectare.

The proposed lot size includes north-west area between Dunsford Creek and the existing dwelling. The applicant rationalizes that this area should be included with the residential lot, as it would be inaccessible for the purposes of Nestle In due to the watercourse. Furthermore, the lot is proposed to include the treed area to the east of the existing dwelling for the purposes of creating and maintaining a visual and physical buffer between the recreational activities and the residential use. Lastly, the existing dwelling is set back about 75 metres from the City Road 36, which further influences the proposed lot size. Although the lot size exceeds the intended size of a non-farm, residential lot in the Rural designation, Staff is satisfied that the proposed lot size is reasonable for the specific conditions present on the subject property and would create sufficient separation to mitigate the interface between the different uses.

Policy 17.3.4 provides that in some instances, an evaluation must be undertaken to confirm the boundary of the Environmental Protection designation and to demonstrate that the land is not subject to flooding or other physical hazard. The revised Consent Sketch shows that the property is subject to flooding, but the existing dwelling and the driveway are outside the floodline, Section 17.6 provides that existing non-conforming buildings or structures located in a floodplain may be enlarged, expanded or altered subject to conditions, including that new or existing hazards are not created or aggravated, and that the development is not a threat to human health and safety.

Development in or within 120 metres of a significant woodland and a PSW may be permitted if it is demonstrated that there will be no negative impacts on the natural features or on the ecological functions. It has been determined, however, that no studies are required as buildings and structures are existing. Furthermore, the proposed severance is more than 120 metres from the wetland and therefore, OP policies regarding PSWs do not apply.

Section 13 provides that development is prohibited within 75 metres of a petroleum well unless it has been decommissioned. An existing petroleum well is located in the north-east corner of the subject property. The severance, however, is proposed beyond 75 metres from the well.

The applicant has submitted the appropriate background studies and plans to demonstrate conformity with the OP.

Township of Verulam Zoning By-law 6-87 (ZBL)

There are currently six zones on the property: 'General Rural (A1) Zone', 'Recreational Commercial (C3) Zone', 'Recreational Commercial Exception Two (C3-2) Zone', 'Recreational Commercial Exception Three (C3-3) Zone', 'Open Space (OS) Zone' and 'Open Space Exception Five (OS-5) Zone'. The proposed severance is subject to the A1 and OS zones. The applicant is proposing to amend the A1 zone to add an exception to allow a 1.8 hectare residential lot, which is in excess of the maximum 1 hectare permitted lot area in the Zoning By-law, and to amend the OS zone to add an exception to delineate a 30-metre vegetation protection buffer. The applicant also proposes that the OS zone have an exception that recognizes the existing buildings within the proposed 30 metre vegetation protection buffer and permits expansions to the buildings and structures subject to conditions. Staff are generally supportive of recognizing a vegetation protection buffer and prohibiting development or site alteration in areas prone to flooding. Staff continue to evaluate the appropriateness of the request in the context of the existing zoning provisions for non-conforming uses.

The proposed severance would create a retained lot where recreational activities are intended to continue unaffected. Within the proposed retained lot, the area abutting the proposed residential lot would remain zoned A1. The resulting abutting remnant A1 area would be about 1.5 hectares. This area would have the effect of allowing an agricultural use and a single detached dwelling. The applicant has provided that the land is not farmed and there are no plans to

expand the commercial use into the remnant A1 area. Staff are considering the effect of the proposed consent as it relates to the proposed abutting A1 area and its continued use as part of a larger A1 operation on the property.

Consent Application Process

The applicant intends to submit a Consent application following approval of the proposed Official Plan and Zoning By-law Amendments.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

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

Relationship of Recommendations To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies four Strategic Priorities:

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

The applications align with a vibrant and growing economy, as they meet the goal of protecting and supporting agricultural land and rural business, while also supporting tourism by responding to the changing needs of the business model. The applications also support a healthy environment by promoting sustainable development.

Consultations:

Notice of these applications was circulated to persons within a five hundred (500) metre radius in accordance with the Planning Act and Council direction, agencies and City Departments which may have an interest in the application. To date, we have received the following comments:

Public

To date, Staff received two calls from individuals seeking clarification about the proposal and whether the proposal would have the effect of changing the use of the recreational park.

Agency Review Comments

- February 13, 2020 Building has no concern. The consent application will be required to demonstrate adequate setbacks to satisfy Ontario Building Code requirements for spatial separation from existing agricultural buildings.
- February 14, 2020 Engineering has no objection to the proposed Official Plan Amendment and the Zoning By-law Amendment.
- February 25, 2020 Kawartha Conservation has no objection to the applications. Kawartha Conservation does not normally permit development within a floodplain/flooding hazard, however they recognize that the proposal will not result in any additional buildings, grading, structures, etc. within the hazard, and all structures within the hazard are existing.

Attachments:

The following attached documents may include scanned images of maps and drawings. If you require an alternative format, please call Anna Kalnina, Planner II, (705) 324-9411 extension 1393.

Appendix 'A' – Location Map



PLAN2020-007
Appendix A Location

Appendix 'B' – Consent Sketch



PLAN2020-007
Appendix B Consent

Appendix 'C' – A1 Revised Consent Sketch

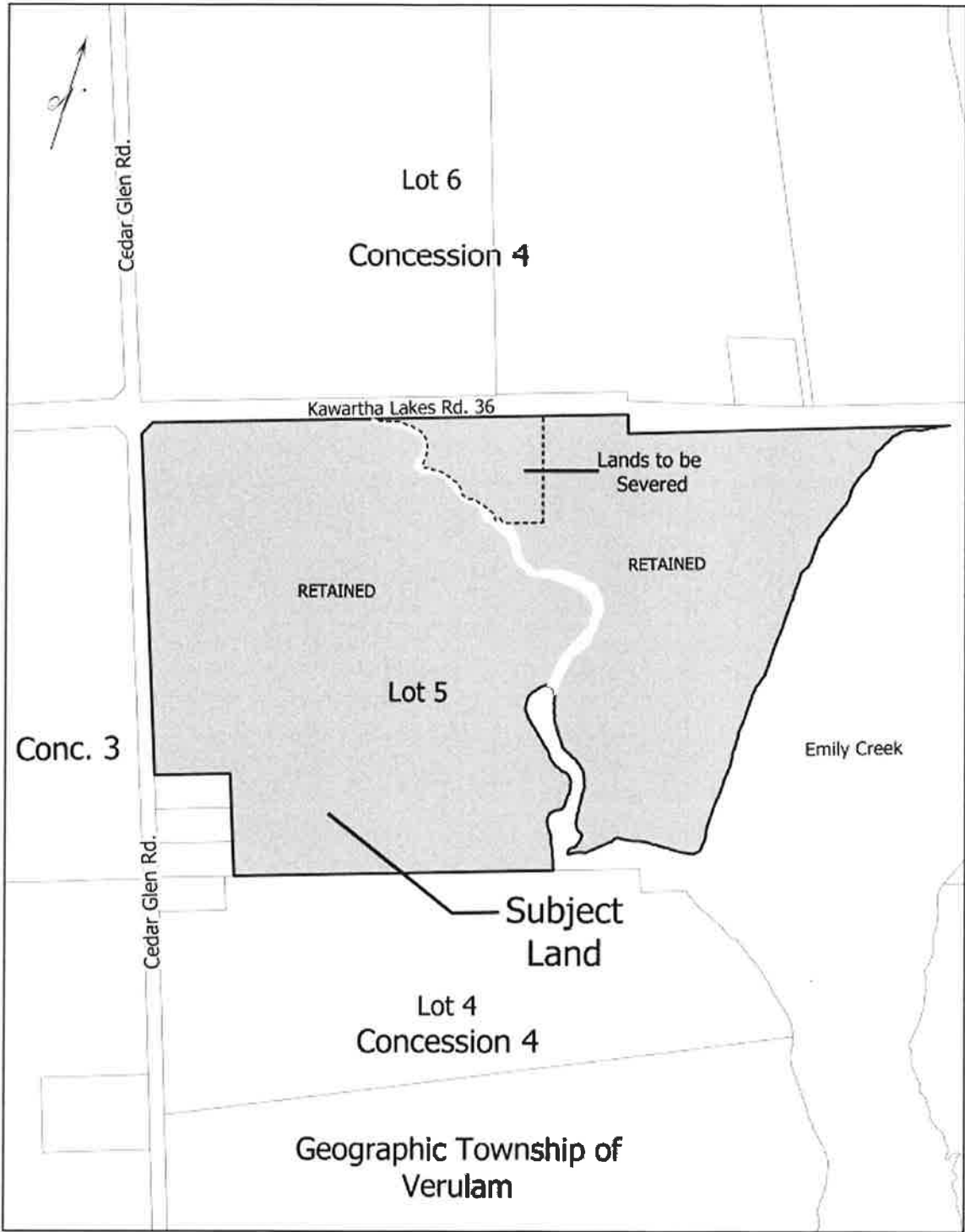


PLAN2020-007
Appendix C Revised

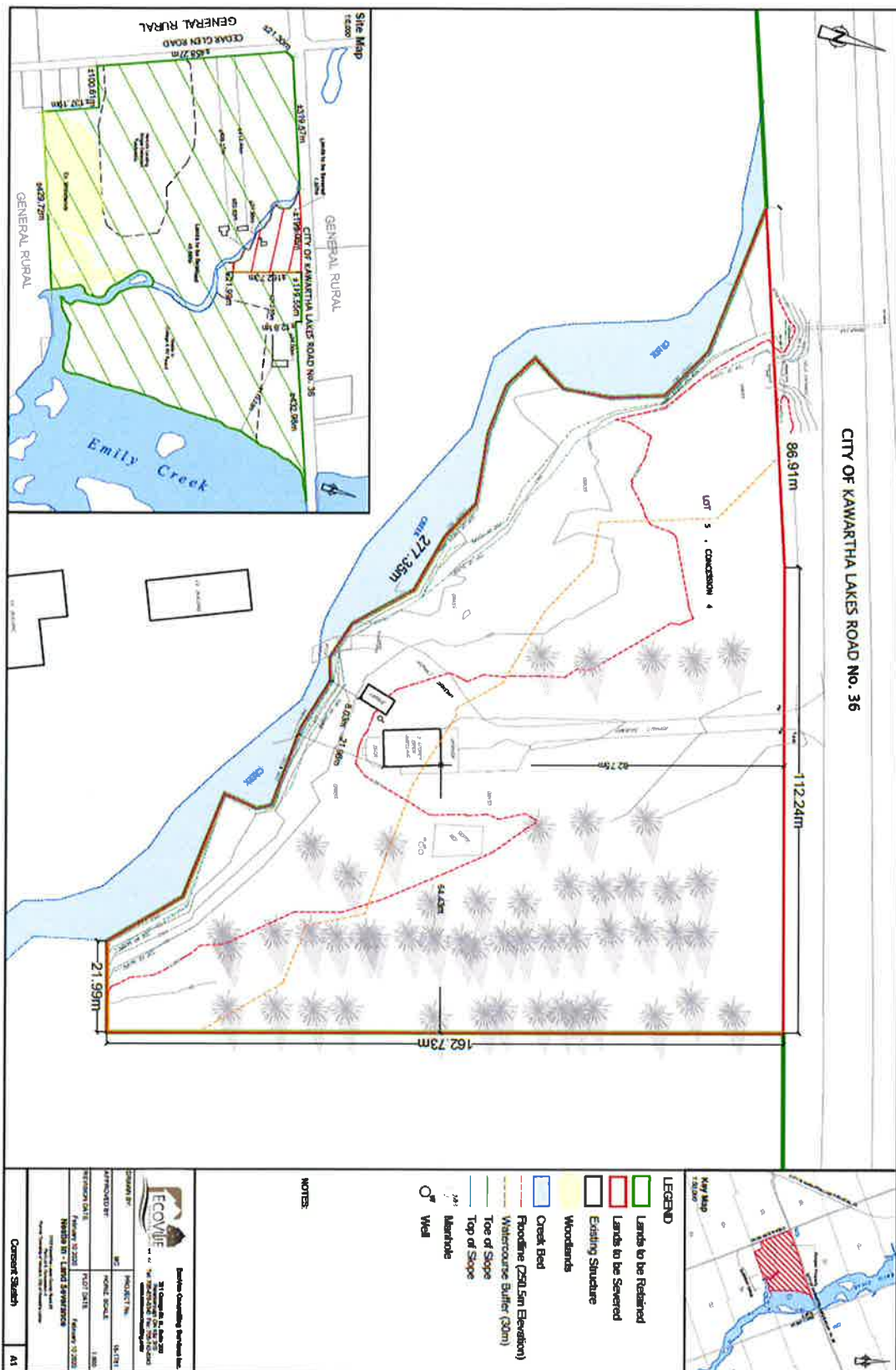
Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2020-001 and D06-2020-003







The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Amend the City of Kawartha Lakes Official Plan to Add a Special Provision to Land within the City of Kawartha Lakes

[File D01-2020-001, Report PLAN2020-012, respecting Part Lot 5, Concession 4, former Township of Verulam, now in the City of Kawartha Lakes and identified as 2152 City Road 36 – Parkbridge Lifestyle Communities Inc.]

Recitals

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. 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 add a Special Provision to "Rural" designation to facilitate a residential lot severance on the property known municipally as 2152 City Road 36.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 36.

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

Section 1.00: Official Plan Amendment Details

- 1.1 **Property Affected:** The property affected by this By-law is described as Part Lot 5, Concession 4, former Township of Verulam, now in the City of Kawartha Lakes and identified as 2152 City Road 36.
- 1.2 **Amendment:** Amendment No. 36 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:** The By-law shall come into force and take effect on the date it is finally passed, subject to 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.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. 36 to the City of Kawartha Lakes Official Plan

Part A – The Preamble

A. Purpose

The purpose of the Official Plan Amendment is to add a Special Provision to facilitate a severance of a residential lot in the “Rural” designation of the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment.

B. Location

The subject land is located at the corner of City Road 36 and Cedar Glen Road in the former Township of Verulam. The subject land is legally described as Part of Lot 5, Concession 4, former Township of Verulam, now the City of Kawartha Lakes and identified as 2152 City Road 36.

C. Basis

Council has enacted this Official Plan Amendment in response to an application submitted by EcoVue Consulting on behalf of the owner to facilitate a severance of an existing dwelling from the existing commercial recreational uses on the property.

The land is designated “Rural” as shown on Schedule “A” to the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment to permit an approximately 1.8 ha residential lot.

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

1. The proposed development is consistent with the Provincial Policy Statement, 2020, and conforms and does not conflict with provincial policy documents being A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.
2. The proposed development conforms to the goals and objectives of the “Rural” designation as set out in the City of Kawartha Lakes Official Plan.
3. The proposed severance would not facilitate additional non-agricultural uses.
4. The applicant has submitted background material that demonstrates the appropriateness of the severance with respect to the protection of human health and safety, 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 constitutes Amendment No. 36 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. Section 16.4.4. of the City of Kawartha Lakes Official Plan is hereby amended by adding the following text:

- 16.4.4. Notwithstanding any other provisions of this Plan, land designated Rural and described as Part Lot 5, Concession 4, former Township of Verulam, and known as 2152 City Road 36 may be severed to create a residential lot with an existing single detached dwelling that has a maximum lot area of 1.8 ha.

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

By-Law 2020-

A By-law to Amend The Township of Verulam Zoning By-law No. 6-87 in The City of Kawartha Lakes

[File D06-2020-003, Report PLAN2020-012, respecting Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 – Parkbridge Lifestyle Communities Inc.]

Recitals

1. Section 34 of the Planning Act, R.S.O 1990, c.P. 13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a 1.8 ha residential lot, to restrict a dwelling on the remnant land zoned General Rural (A1) Zone, to delineate the Open Space (OS) Zone boundary in accordance with the floodplain and 30m vegetative buffer, and to recognize the existing dwelling and allow for its expansion in the Open Space Exception 16 (OS-16) Zone.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to amend the zone on the Property.

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

Section 1.00: Zoning Details

- 1.1 **Property Affected:** The Property affected by this by-law is described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes.
- 1.2 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 19.3.21 with the following:
 - 19.3.21 Notwithstanding subsection 19.1 and 19.2. a. ii., lands zoned A1-21 may only be used for a single detached dwelling and shall be subject to the following zone provision:
 - a. Maximum lot area 1.8 haAll other requirements of the A1 Zone and the By-law shall continue to apply to land zoned A1-21.
- 1.3 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 19.3.22 with the following:
 - 19.3.22 Despite subsections 19.1 a. and b., on lands zoned A1-22, a dwelling is not permitted. Notwithstanding subsections 19.2 a.i. and

b.i., lands zoned A1-22 shall be subject to the following zone provisions:

- | | |
|-------------------------|--------|
| a. Minimum lot area | 1.5 ha |
| b. Minimum lot frontage | 90 m |

1.4 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 18.3.16 with the following:

18.3.16 Notwithstanding subsections 18.1 and 18.2, on lands zoned OS-16, the single detached dwelling may be enlarged to a maximum gross floor area of 277 sq. m. and shall be subject to the provisions of subsection 19.2.

1.5 **Schedule Amendment:** Schedule 'A' to By-law No. 6-87 of the Township of Verulam is further amended by adding exception zones to the General Rural (A1) Zone to have General Rural Exception 21 (A1-21) Zone and General Rural Exception 22 (A1-22) Zone; and delineate the Open Space (OS) Zone and add Open Space Exception 16 (OS-16) 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 and Section 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

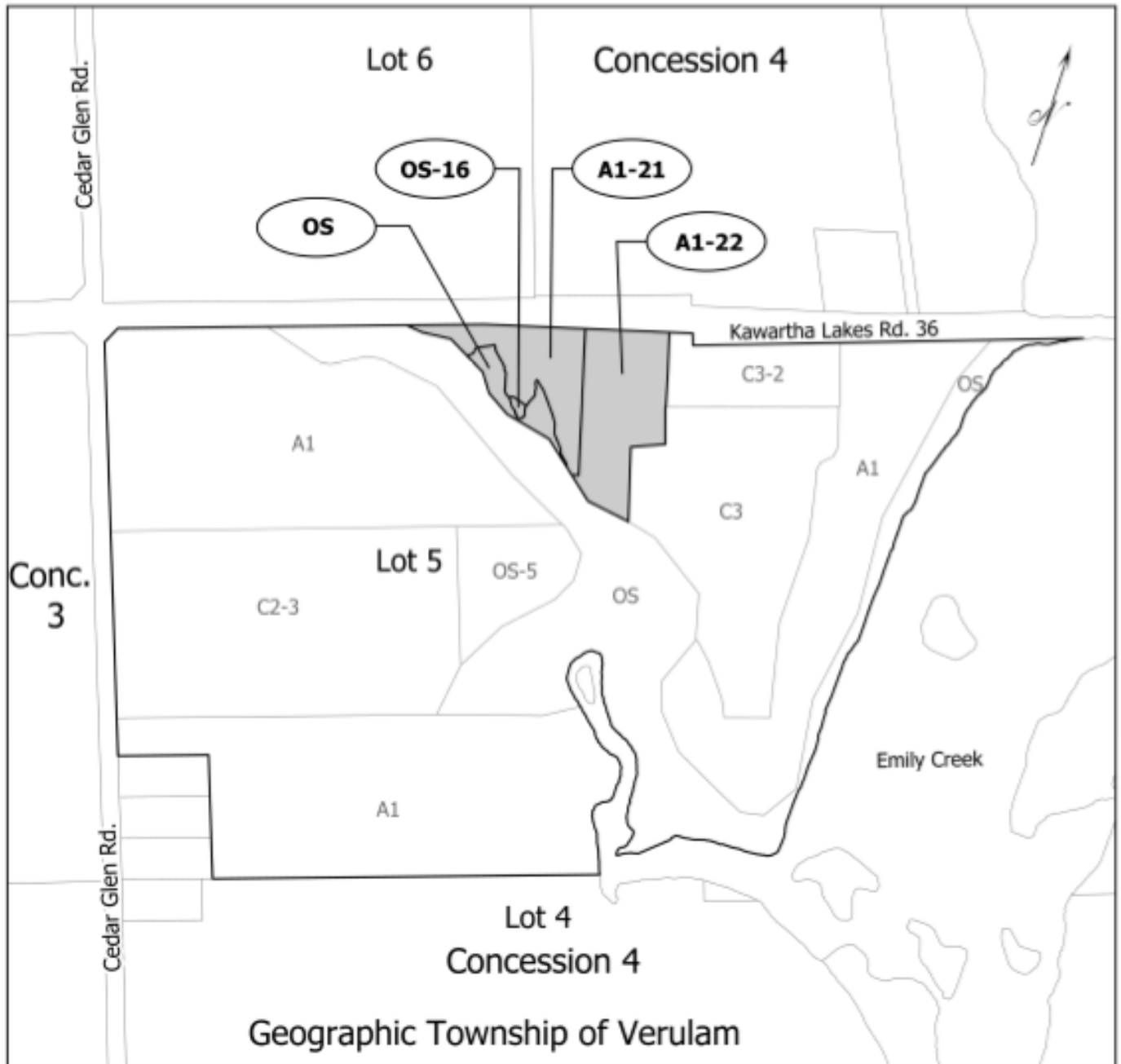
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-013

Meeting Date: **May 26, 2020**

Title: Telecommunications Facility Endorsement Application –
Xplornet Communications

Description: An application to endorse a proposed 45.0 metre self-
supported Telecommunication Facility by Forbes Bros. Ltd.
on behalf of Xplornet Communications at 1641 Glenarm
Road, Fenelon (Donald and Sylvia Holliday)

Ward Number: **Ward 3 – Fenelon**

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

Recommendations:

That Report PLAN2020-013, **Part of Lot 21, Concession 2, Geographic Township of Fenelon, Donald and Sylvia Holliday – Application D44-2019-001**, be received;

That the 45.0 metre self-supported telecommunication facility proposed by Forbes Bros. Ltd. on behalf of Xplornet Communications, to be sited on property at 1641 Glenarm Road and generally outlined in Appendices A to E to Report PLAN2020-013, be endorsed by Council, conditional upon the applicant entering into a Telecommunication Facility Development Agreement with the City;

That Innovation, Science and Economic Development (ISED) Canada, the applicant, and all interested parties be advised of Council's decision; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Forbes Bros Ltd. has submitted an application on behalf of Xplornet Communications to permit a self-supported telecommunication facility with a height of 45.0 metres (148 feet) on a rural property located at 1641 Glenarm Road, near Glenarm. See Appendix 'A'. A site compound with an area of 9 square metres will house all electrical components. For access to the compound, Xplornet Communications will utilize the existing gravel driveway and farm laneway. See Appendix 'B'.

Owner:	Donald and Sylvia Holliday								
Agent:	Forbes Bros. Ltd. on behalf of Xplornet Communications								
Legal Description:	Part of Lot 21, Concession 2, geographic Township of Fenelon								
Official Plan:	'Prime Agricultural' in the City of Kawartha Lakes Official Plan								
Zoning:	'Agricultural (A1) Zone' in the Township of Fenelon Zoning By-law 12-95								
Site Size:	9.0 square metres consisting of a 9.0 square metre compound and an existing site access lane								
Site Servicing:	A dedicated electrical connection is required to service the telecommunication facility.								
Existing Uses:	Portions of the property are used for agriculture.								
Adjacent Uses:	<table> <tr> <td>North:</td><td>Forest, Agricultural</td></tr> <tr> <td>East:</td><td>Birch Point Road, Agricultural</td></tr> <tr> <td>South:</td><td>Glenarm Road, Agricultural</td></tr> <tr> <td>West:</td><td>Forest, Agricultural</td></tr> </table>	North:	Forest, Agricultural	East:	Birch Point Road, Agricultural	South:	Glenarm Road, Agricultural	West:	Forest, Agricultural
North:	Forest, Agricultural								
East:	Birch Point Road, Agricultural								
South:	Glenarm Road, Agricultural								
West:	Forest, Agricultural								

Rationale:

The telecommunications industry is regulated by the federal government through the Radiocommunication Act, which is primarily administered by Innovation, Science and Economic Development (ISED) Canada (formerly Industry Canada) and Health Canada. Telecommunications systems are regulated by the federal government, and are therefore not subject to the requirements of Planning Act documents such as official plans or zoning by-laws. However, ISED Canada encourages the development of protocols by Local Land-Use Authorities (the municipality) to ensure that a clear process is established for the consideration of new telecommunications facilities within the community. Where a municipality has adopted a telecommunications policy, the applicant must receive confirmation from the municipality that the proposal complies with their policy, before ISED will issue an approval for the facility.

In 2012, Council adopted a Telecommunications Policy for the installation of new telecommunication towers within the City of Kawartha Lakes. In 2018, the Telecommunications Policy (CP2018-014 Telecommunications and Antenna System Siting Policy) was updated in accordance with the current recommended ISED Canada standards, last updated in 2014. The policy provides a set of criteria to ensure that a clear process is established for the consideration of new telecommunications facilities within the community. All applications must be endorsed by Council and subject to any necessary conditions, for the applicant to receive an approval from ISED Canada.

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

1. Planning Justification Report, prepared by Forbes Bros. Ltd., dated October 10, 2019. The report discusses and assesses the proposed telecommunication tower in context of the federal legislation and the City's Telecommunications Policy.
2. Site Plan Showing Proposed Xplornet Compound Location, prepared by Xplornet.
3. 45.72m (150') Tower Profile, prepared by Wesbell Technologies.
4. Compound Layout & Grounding 45.72m (150') Tower, prepared by Wesbell Technologies.
5. Photo renderings of the proposed telecommunications tower.
6. Public Consultation Summary letter dated January 2, 2020.

Applicable Provincial Policies:

While telecommunication systems are a federally-led initiative, the Province also recognizes the importance of telecommunications infrastructure and encourages further systems development to meet current and projected service demands in its policy documents, including the Provincial Policy Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan). The proposed telecommunications facility fulfills the objectives of these policies.

Official Plan Conformity:

The property is designated 'Prime Agricultural' in the City of Kawartha Lakes Official Plan. While telecommunication systems are not subject to the requirements of the Official Plan, Section 28.10 of the Official Plan supports the erection of new telecommunication towers, as long as they are located outside of natural features and their respective buffers, and provided that there is a demonstrated need. Since the applicant has demonstrated that there is a need

for this facility, the proposal fulfills the provisions of the land use policies, in accordance with the City's Telecommunications Policy.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Fenelon Zoning By-law 12-95. While telecommunication systems are not subject to the requirements of the Zoning By-law, the A1 zone provides that this use is permitted, in accordance with the City's Telecommunications Policy.

Other Alternatives Considered:

No other alternatives have been taken into consideration.

Financial/Operation Impacts:

There are no financial considerations for the City.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Good Government priority by increasing internet services available throughout Kawartha Lakes. It may also align with the Exceptional Quality of Life priority by enhancing accessibility to a range of services provided within the City.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility considerations for the City.

Servicing Implications:

There are no servicing considerations for the City.

Consultations:

Public Comments

The City's Telecommunications Policy requires that the applicant conduct the public consultation and information process as prescribed by ISED Canada. The City's policy requires notification through a local newspaper, and a mailout to all landowners within a minimum notification radius which is the greater of:

- a) 120 metres; or
- b) three times the height of the tower (135 metres).

Based on the above, the mailout radius is 135 metres from the base of the proposed tower. No mailout was required for this application, as the 135 metre radius was contained entirely within the subject property. A notice was placed in the local newspapers as follows: Kawartha Lakes This Week and Fenelon Town Crier on November 20, 2019; and Kawartha Promotor on November 28, 2019, with commenting up to December 30, 2019.

The applicant provided a letter dated January 2, 2020 for the City's review, noting that no public comments were received. A copy of the consultation summary is contained in Appendix 'C' to this report.

Agency Review Comments

The proposal was first assessed and circulated to all relevant agencies and City Departments through the City's Preconsultation process, to identify a full list of submission requirements and initial comments for consideration. As a result, the application was circulated to only the relevant agencies and City Departments which may have an interest in the application. The following comments have been received to date:

March 2, 2020	The Fire and Rescue Division advised they have no comments.
March 4, 2020	The Engineering and Corporate Assets Department advised they have no comments.

Development Services – Planning Division Comments:

Compliance with Telecommunication Tower Siting Criteria

Staff has reviewed the telecommunication facility application and concludes that the proposal complies with the siting criteria in following manner:

- ISED Canada has mandated that communications providers cannot have any dropped calls, given that the system is now being used for 911 or other emergency purposes in addition to personal communications. Given the topography of the area, Xplornet Communications requires a tower height of 45 metres in order to provide its services in accordance with the ISED Canada standards. The addition of this tower should provide improved service in this area.

- The applicant has investigated the possibility of co-locating other existing telecommunication towers. Since there are few towers in the area, and no other towers within a 1.0 kilometre radius, co-location is not an option and a new tower is necessary for technical reasons. The proposed tower structure has been designed to allow other carriers to co-locate in the future, should the need arise. Staff is satisfied that an additional tower is necessary to provide service for the area.
- The proposed tower fulfills all of the necessary setbacks from local roads, property lines, residential areas, and environmentally sensitive areas.
- While the tower will be visible in the skyline, the self-supported design should not make the tower obtrusive to the view of the area. Appendix 'B' contains a proposed tower and compound plan. The views of the tower are expected to be similar to those contained in the Planning Justification Report and photo renderings. See Appendix 'D' and 'E' respectively.

From Staff's perspective, the proposed telecommunication facility fulfills the locational requirements of the City's Telecommunications Policy.

Tower Lighting

With regard to the lighting, this tower may require painted striping or lighting. Final details of the lighting requirements are not available at this time however Xplornet Communications have indicated that they do not anticipate any painting or lighting will be required. Any painting and/or lighting requirements will be provided by Transport Canada, for navigation and/or safety purposes. Staff advise that any night lighting should not include white flashing strobe lights.

Site Development Agreement

Staff would require that this telecommunications facility be subject to a limited Telecommunications Facility Development Agreement with the City. This Agreement would secure an approved site plan, lot grading and drainage plan, securities for entrance works and landscaping (when necessary), and landscaping details as required. The agreement would also include provisions for the removal of the telecommunication facility once it is no longer being used. Staff views this agreement as serving more of an administrative function and therefore would not recommend that this agreement be registered against title.

Attachments:

The following attached documents may include scanned images of appendices, 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



PLAN2020-013
Appendix A.pdf

Appendix B – Proposed Site Plan and Tower Drawings



PLAN2020-013
Appendix B.pdf

Appendix C – Summary of Public Consultation



PLAN2020-013
Appendix C.pdf

Appendix D – Planning Justification Report



PLAN2020-013
Appendix D.pdf

Appendix E – Photo Rendering



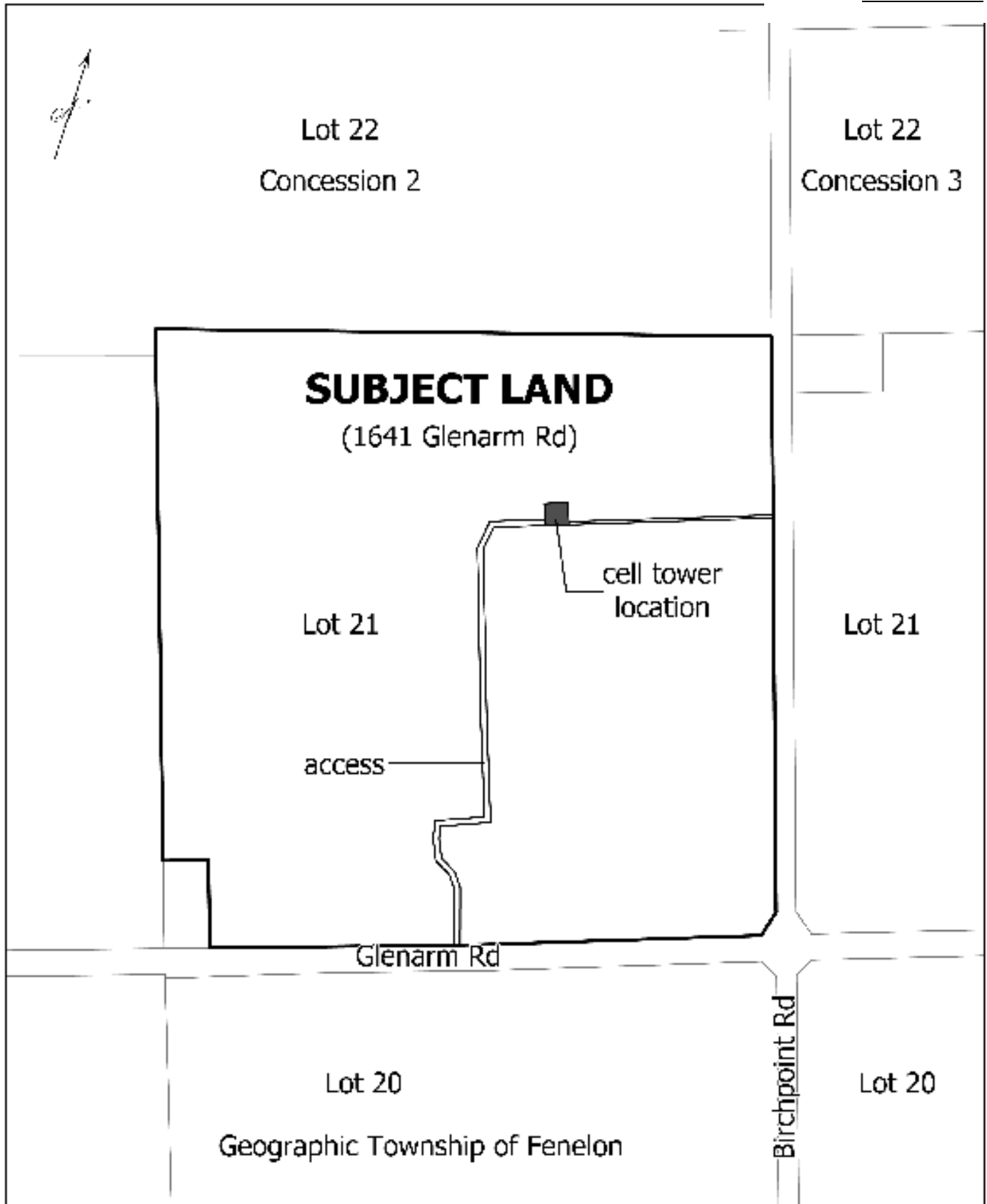
PLAN2020-013
Appendix E.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

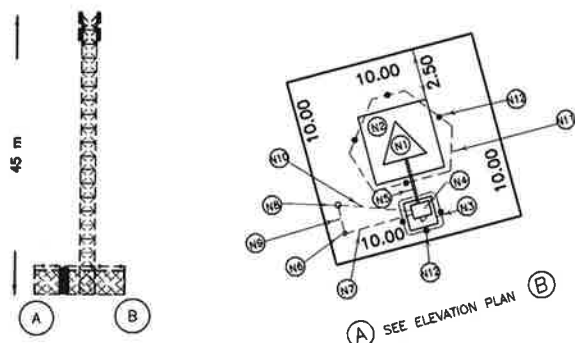
Department Head: Chris Marshall, Director, Development Services

Department File: D44-2019-001

D44-2019-001



ELEVATION PLAN PROPOSED COMPOUND LAYOUT PLAN
NOT TO SCALE NOT TO SCALE




NOTES

- (N1) PROPOSED LATTICE TRI-POLE.
PAINT COLOUR SUBJECT TO NAV CANADA REQUIREMENTS.
ANTENNA NUMBER AND LOCATIONS TO BE DETERMINED.
FOUNDATION DESIGN PENDING SOIL REPORT.
- (N2) FOUNDATION FOOTPRINT.
- (N3) 1830 x 1830 x 150 (6' x 6' x 6") CABINET PAD.
- (N4) PROPOSED RADIO EQUIPMENT CABINET.
- (N5) 6" WIDE CABLE TRY.
- (N6) 8' x 8" WOOD POST.
- (N7) 3" UNDERGROUND CONDUIT.
- (N8) LAST UTILITY POLE WITH ELECTRICAL METER.
- (N9) UTILITY POWER IN 3" CONDUIT FROM ELECTRICAL METER TO MAIN DISCONNECT.
- (N10) 3" UNDERGROUND CONDUIT FOR FIBER.
- (N11) 2/0 STRANDED BARE COPPER GROUND WIRE.
- (N12) 3/4" x 10'-0" COPPER CLAD ROD.

SITE PLAN SHOWING PROPOSED
XPLORNET COMPOUND LOCATION

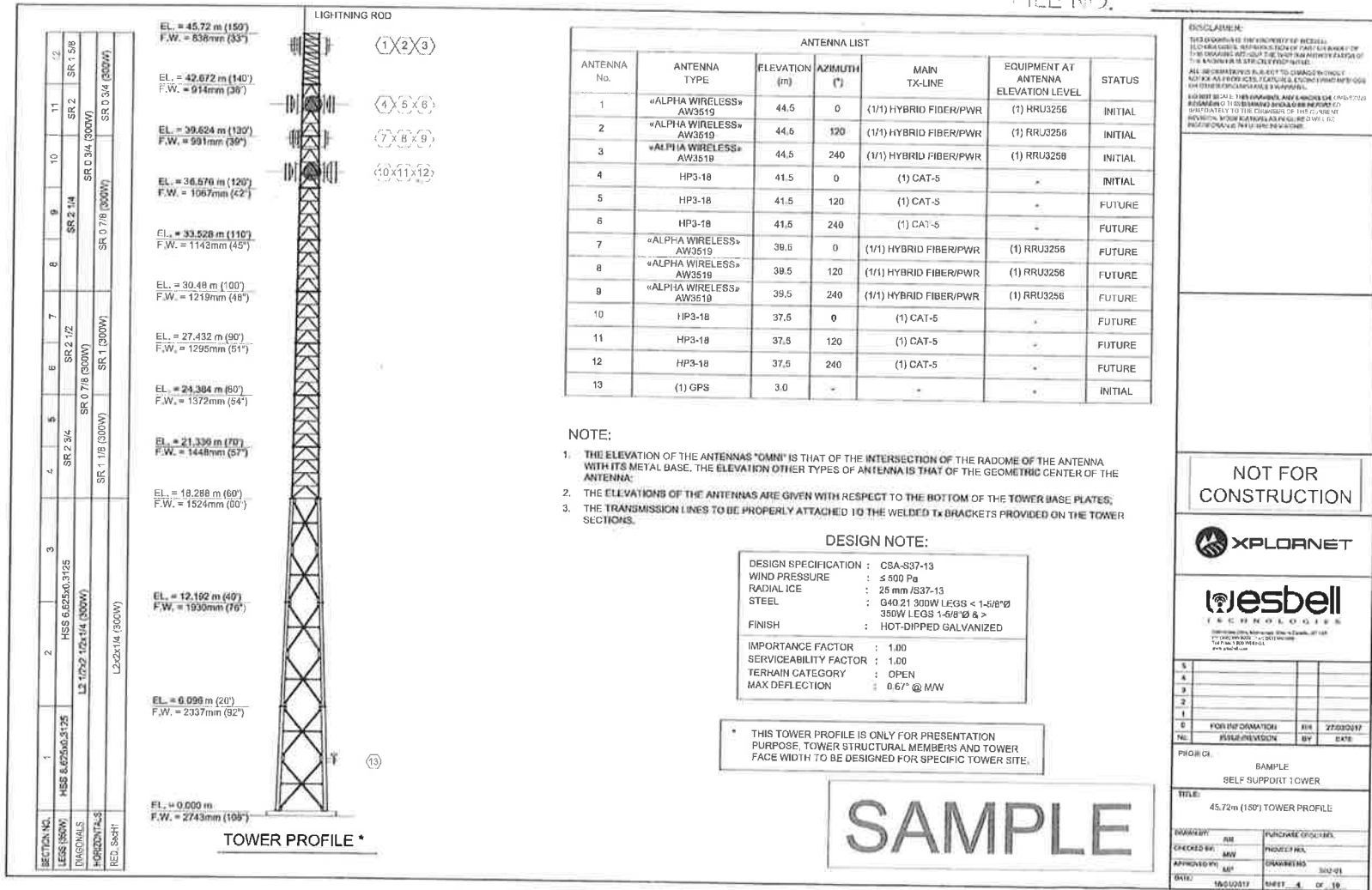
APPENDIX " B "
 to
 1/3
 REPORT PLAN2020-013
 FILE NO. D44-2019-001



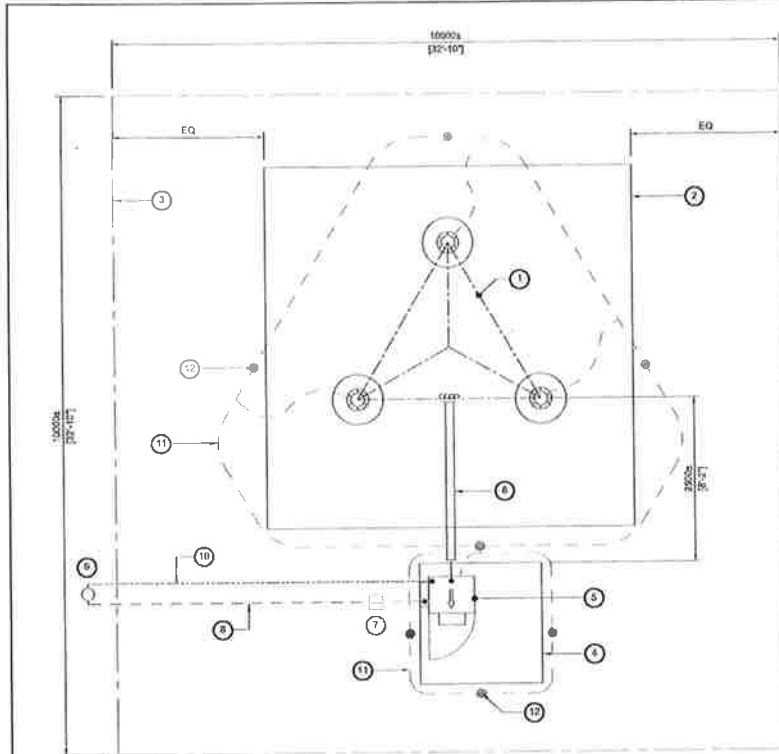
AMENDMENTS		
No.	DESCRIPTION	DATE
SITE COORDINATES: LATITUDE 44.494910 LONGITUDE -78.857874		
SITE: Glenarm (ON7578)		
		

APPENDIX "B"
to
REPORT PLAN 2020-013

FILE NO.



FILE NO.



SITE LAYOUT & GROUNDING
SCALE: NTS

NOTE:

1. a. PRIOR TO MAKING A GROUND SYSTEM CONNECTION CLEAN THE CONNECTION PARTS OF PAINT OR OTHER FOREIGN MATTER
b. ALL BURNDY CONNECTORS AND CONNECTING WIRE OR CABLE PARTS THAT COME IN CONTACT WITH THE BURNDY CONNECTOR SHALL BE CLEANED OF ALL RUST, OXIDE OR DIRT AND THEN GIVEN A LIBERAL APPLICATION OF NO-OX-ID 'A' SPECIAL SEALING COMPOUND PRIOR TO COMPLETING THE CONNECTIONS. (ABOVE GRADE ONLY)
2. ALL GROUND WIRE ABOVE GRADE IS TO BE 7/16" GALV WIRE UNLESS NOTED
3. WHERE THERE IS A CONTINUOUS FLOW OF GROUND WIRE (i.e. LOOP AROUND BLDG OR TOWER) CONNECT WIRE TO ROD WITH CAD WELD #115 (MOLD GTC-182G)
4. WHERE THERE IS GALV WIRE TO GALV WIRE CONNECTION ARE TO BE CLEAN AND FREE OF PAINT AT THE MATING SURFACE USE CAD WELD SHOT #115 (MOLD YRC-2GZG-LH OR RH)
5. AT GROUND LEVEL, ALL CONDUCTORS SHALL BE BURIED MINIMUM 600mm BELOW FINISHED GRADE
6. THE TOWER/ FOUNDATION/ CABINET ORIENTATION TO BE DETERMINED ON SITE WALK
7. THE LOCATION AND ORIENTATION OF (6) (7) (8) (9) (10) TO BE DETERMINED PER SITE SPECIFIC REQUIREMENT

- (1) SELF SUPPORT TOWER
- (2) FOUNDATION FOOTPRINT
- (3) LEASED AREA
- (4) 1830 x 1830 x 150 (8' x 8' x 6") CABINET PAD
- (5) CABINET - ARROW INDICATES FRONT DOOR ORIENTATION
- (6) 6" WIDE CABLE TRAY TO PASS CABLES FROM LB EXTENSION ON THE CABINET TO THE TOWER
- (7) 8" x 8" WOOD POST w/ 30A 240V AC ELECTRICAL MAIN DISCONNECT
- (8) 3" UNDERGROUND CONDUIT TO PASS ELECTRICAL TO CABINET
- (9) LAST UTILITY POLE w/ ELECTRICAL METER
- (10) 3" UNDERGROUND CONDUIT FOR FIBRE TO CABINET w/ PULL STRING IN IT (IF POP SITE)
- (11) 2/0 STRANDED BARE COPPER GROUND WIRE
- (12) 3/4"Ø x 10'-0" COPPER CLAD GROUND ROD
- (13) GALV STEEL CABLE GROUND BAR
- (14) 3m GALV. STEEL LIGHTNING ROD
- (15) COMPOUND FENCE IF REQUIRED
- (16) GROUND RISER: 7/16" GALV. STEEL CABLE

<p>DISCLAIMER</p> <p>THESE DRAWINGS ARE THE PROPERTY OF WESBELL TECHNOLOGIES. ANY REPRODUCTION OF THESE DRAWINGS WITHOUT THE WRITTEN AUTHORIZATION OF WESBELL TECHNOLOGIES IS PROHIBITED.</p> <p>ALL INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE. WESBELL TECHNOLOGIES ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. WESBELL TECHNOLOGIES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING ECONOMIC LOSS, ARISING FROM THE USE OF THESE DRAWINGS. WESBELL TECHNOLOGIES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING ECONOMIC LOSS, ARISING FROM THE USE OF THESE DRAWINGS.</p>	
<p>FOR INFORMATION</p>	
<p>XPLORNET</p>	
<p>Wesbell TECHNOLOGIES</p> <p>4000 West 10th Avenue, Suite 100, Fort Collins, CO 80521 Phone: 970.225.1111 Fax: 970.225.1112 www.wesbell.com</p>	
<p>5</p> <p>4</p> <p>3</p> <p>2</p> <p>1</p>	<p>FOR INFORMATION: FRI 27/03/2017</p> <p>ISSUING: VVWVW BY: CAY</p>
<p>PROJECT: XPLORNET SELF SUPPORT TOWER</p>	
<p>WPL: COMPOUND LAYOUT & GROUNDING 45.72m (150') TOWER</p>	
<p>DRAWN BY: RN</p> <p>CHECKED BY: MW</p> <p>APPROVED BY: MW</p> <p>DATE: 18/03/2017</p>	<p>FORWARDED: GRC/MS</p> <p>PROJECT NO: 18/03/2017</p> <p>DATE: 18/03/2017 SHEET: 5 OF 18</p>

APPENDIX " C
to 1/2
REPORT PLAN 2020-013
FILE NO. D44-2019-001

January 2, 2020

Ian Walker
Planning Officer – Large Developments
Planning Division, Development Services Department
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Xplornet Communications Inc. ("Xplornet") Concurrence request
Xplornet Project ID: ON7578
Subject Address: 1642 Glenarm Road

Dear Mr. Walker,

Forbes Bros Ltd., in our capacity as agent to Xplornet Communication Inc., have completed the required municipal and public consultation for a proposed new 45.0m tall telecommunications facility to be located at 1642 Glenarm Road, Woodville.

The City of Kawartha Lakes has created a Telecommunication and Antenna System Siting Policy (C-2018-014) in accordance with and in addition to the general requirements of Innovation, Science and Economic Development Canada's (ISED – formerly Industry Canada) default consultation protocol. The combined requirements of these policies entail formal submission requirements by the proponent as well as public consultation conducted via written notification to property owners.

The purpose of these consultation procedures is to solicit municipal and public input and ensure the antenna system is deployed in a manner that considers the local surroundings.

On behalf of Xplornet Communications Inc., Forbes Bros conducted the required consultation by;

- Contacting the City with preliminary information on proposed sites – August 2019
- Formal application and reports submitted – October 11, 2019
- Mail notification sent – N/A as notification radius did not reach additional properties
- Public meeting / Open house – N/A
- Newspaper notification – November 21 & 28, 2019 (three papers)
- Public comment close date – December 30, 2019

Throughout this consultation process we did not receive any objection to the location or design of the proposed development from City staff or the public. No other inquiries were received from the public.

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FILE NO. _____

As the requirements of ISED and City of Kawartha Lakes policies have been fulfilled we would like to request a formal recommendation from Council and/or City staff in the form of a letter of concurrence.

Thank you for your consideration of this proposal. If any further information is required please do not hesitate to contact the undersigned.

Sincerely,

Sarah Duncan

Sarah Duncan
Real Estate & Government Affairs
130, 482 South Service Road E, Oakville, ON L6J 2X6
C: 587.894.0773 F: 888.622.4939
forbesbrosLtd.ca



APPENDIX " D "
to 1/8
REPORT PLAN2020-013
FILE NO. D44-2019-001

Planning Justification Report

Xplornet Communications
Telecommunication Site: ON 7578 Glenarm

Cyrus Ghassabeh, Director
10/10/2019

Xplornet Communications justification for a proposal to erect a 45.0m tall self support style communications structure and related equipment at 1641 Glenarm Road, Woodville, ON

1.0 Introduction

Forbes Bros Ltd Telecommunications Services has been retained by Xplornet Communications ("Xplornet") with respect to a proposal to build a new freestanding communications base station facility on the lands at 1641 Glenarm Road, Woodville, ON. The purpose of this report is to provide analysis and justification in support of the proposed facility and to assist the land-use authority in providing comments on the proposed development.

2.0 Background

A continual growth in demand for wireless products and their associated services has created a need for increased wireless network infrastructure. Mobile phones and other wireless devices cannot operate without the necessary infrastructure, which is made up of transmitting and receiving antenna sites located on support structures, commonly referred to as "cell towers".

New infrastructure requirements are determined by monitoring the wireless network and identifying areas with weak or insufficient coverage. Xplornet network planners isolate the areas requiring improvements and conduct coverage studies to determine the ideal co-ordinates for a new antenna base station. Real estate investigations determine feasible locations for new sites. New locations include existing towers (colocation), tall buildings or other feasible structures and of course new free-standing support structures.

3.0 Proposal

Xplornet has proposed a new free standing 45.0m tall lite duty self support type communication facility (ON 7578). The proposal supports enhanced wireless voice & data coverage and capacity for the Glenarm area and east towards Highway 21/34.

3.1 Location

Xplornet's proposed location is on property described as PT LT 21 CON 2 FENELON AS IN R452527; KAWARTHA LAKES and has the municipal address 1641 Glenarm Road (Figure 1). The proposed facility would be located approximately 500m northwest of the Glenarm Road and Birch Point Road intersection (Figure 2).

The tower is proposed to be located among existing buildings on the subject property and has the geographic coordinates:

Latitude (NAD83) N 44° 29' 42.38"

Longitude (NAD83) W 78° 51' 27.21"

The proposed facility is approximately 340m away from the nearest residential property.

Figure 1 – Area Map



Figure 2 – Tower Location



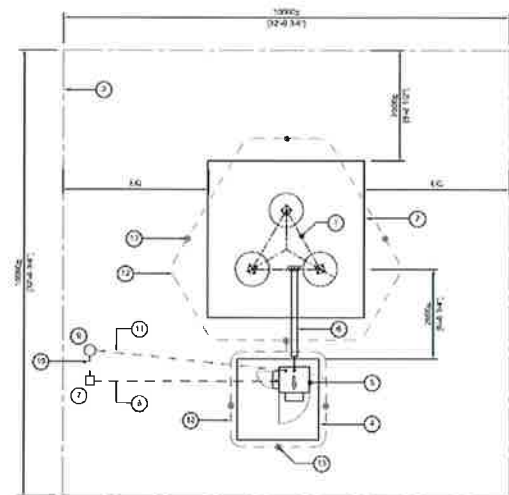
3.2 Design

Xplornet has proposed a 45.0m tall lite duty self support style structure within a 3m x 3m area, transmitting and receiving antennas, and radio equipment (see Figure 3). There is minimal disturbance to the ground during construction as the only requirement is to install tower foundations and a concrete pad for the equipment to sit on. The total area of temporary disturbance would be 10 feet by 10 feet. There is no fencing around the site. Access to the site is via an existing driveway and no grading will be required.

The tower height allows the antenna equipment to propagate wireless signals over top of obstacles (trees, buildings, varying topography) and maintain line of sight connections to other Xplornet facilities in the network.

The proposed installation provides an opportunity to accommodate future technologies as well as potential co-location with other licensed carriers, thus limiting the number of new tower structures required in the area.

Figure 3 –Tower Elevation



SITE LAYOUT & GROUNDING
SCALE: NTS

4.0 Rationale

The selection of a wireless communications site works similarly to fitting a piece into a puzzle. In this case, the puzzle is a complex radio network. Client demand, radio frequency engineering principles, local topography and land use opportunities working in concert with one another direct the geography of Xplornet sites.

In identifying a potential tower location and design, Xplornet examined the local area, assessed the visibility of the structure and considered possible tower designs. Xplornet evaluated the best location for a new facility using the following criteria;

4.1 Technical Requirements

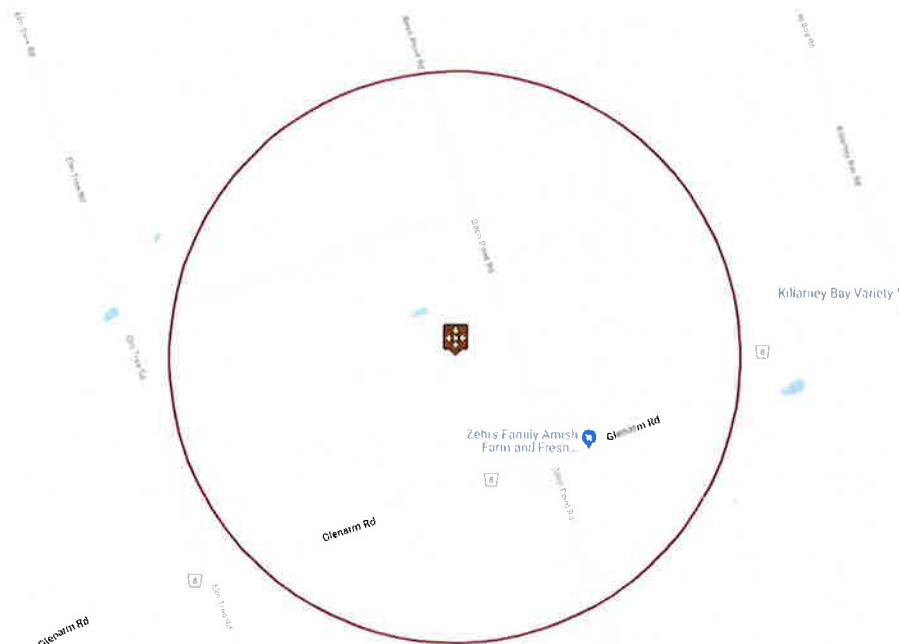
The performance of a wireless network is dependent on the geographical location of its equipment, height of its antennas, line of sight requirements, the demand customers place on the network, as well as proximity to the network users. In expanding its wireless network, Xplornet is seeking to improve service for the Glenarm area and east towards Highway 21/34.

Xplornet can achieve enhanced coverage and capacity with the proposed facility ON7578 at 1641 Glenarm Road.

4.2 Evaluation of Existing Structures

Co-location and rooftop deployment are the first locations considered in achieving new coverage objectives. In order for site sharing to be considered technically feasible, existing telecommunication sites and other tall structures must be located within the search area prescribed by Xplornet network planners and engineers. These locations must also provide adequate deployment height and structural capacity to hold additional equipment.

Site sharing investigations revealed that there are no existing tower facilities within 1.0km of Xplornet proposed location.



4.3 Land-use Consideration

The site is located on property designated Agricultural Zone (A1) and the subject property is abutted by further agricultural zones. Communication Structures are a permitted use in the A1 zone.

Given the coverage objectives of this site we feel it is the best possible location. The proposed facility will enhance coverage for surrounding area as well as to travellers along the roadways while maintaining a significant setback to any residential uses.

5.0 Review of Development Plan

5.1 Municipal Consultation Process

Xplornet is regulated and licensed by Industry Canada to provide inter-provincial wireless voice and data services. As a federal undertaking, Xplornet is required by Industry Canada to consult with land-use authorities in siting new mobile base station locations.

The consultation process established under Industry Canada's authority is intended to provide the local land-use authorities an opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

As the provisions of the Ontario Planning Act and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. Xplornet is required to follow established and documented telecommunication protocols or processes set forth by land-use authorities.

5.2 Public Consultation

In accordance with Industry Canada procedures, public consultation is required for most new telecommunication facility proposals. Per Industry Canada's guidelines default public consultation is conducted via written notification to property owners within three times (3x) the height of the tower measured from the base or outer most point of the tower. Depending on the height of the proposed facility a public notice in a locally circulated newspaper may also be warranted.

Both forms of notice must contain basic information about the proposal (location, design etc.) as well as contact information for the proponent and a thirty (30) day window to submit comments or questions to the proponent.

Public consultation requirements may vary where an established local policy or protocol is in effect.

5.3 Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Xplornet must also fulfill other important obligations including the following:

Canadian Environmental Assessment Act

Industry Canada requires that the Installation and modification of antenna systems be completed in a manner that complies with appropriate environmental legislation. This includes the Canadian Environmental Assessment Act, 2012 (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012 or is proposed to be located on federal lands.

Xplornet attests that the antenna system proposed will be installed and operated in a manner that respects the local environment and complies with all statutory requirements.

Transport Canada's Aeronautical Obstruction Marking Requirements

Aerodrome safety is under the exclusive jurisdiction of NAV Canada and Transport Canada. An important obligation of wireless proponents is to comply with Transport Canada / NAV Canada aeronautical safety requirements. Transport Canada performs an assessment of the proposal with respect to the potential hazard to air navigation and notifies Xplornet of any painting and/or lighting requirements for the antenna system. Xplornet does not anticipate that the proposed installation will require any painting or lighting and has submitted the necessary applications to the appropriate parties to obtain the required approvals.

- NAV Canada: confirmed no objections to the site location (September 9, 2019)
- Transport Canada: application submitted on June 28, 2019; response expected Nov. 2, 2019

For additional information, please see the Transport Canada website at:

<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standards621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate health protection limits for exposure to radio-frequency (RF) electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3Khz to 300Ghz – Safety Code 6".

The exposure limits specified in Safety Code 6 are established by reviewing all peer-reviewed scientific research in the area of human health and RF exposure. Included in this review are hundreds of studies conducted over the past 50 years.

Radiocommunication, including technical aspects related to broadcasting, is under the responsibility of the Ministry of Industry (Industry Canada) which has the power to establish standards, rules, policies and procedures. Industry Canada, under this authority has adopted Safety Code 6 for the protection of the general public. With this adoption, Industry Canada requires all proponents and operators to ensure that their installations comply with Safety Code 6 at all times, including any changes to the code and including any combined effects from other installations in the nearby radio environment.

Xplornet attests that the radio antenna system described will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

Engineering Practices

Xplornet attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and the Canadian Standards Association and comply with good engineering practices including structural adequacy.

6.0 Summary and Conclusion

As communities continue to grow to depend on wireless products and their services, it will be necessary to improve network coverage and quality. Improving network coverage and quality is achieved by increasing mobile base station infrastructure to fill coverage gaps and increase capacity for current and future wireless users.

In response to the demand for high quality wireless services in Ontario and specifically in the City of Kawartha Lakes, Xplornet has proposed a communications site that achieves the technical requirements of the network while maintaining a significant setback to any residential land uses.

I look forward to working with the City in providing enhanced wireless services to the community. Should you require any further information please do not hesitate to contact me at 905.808.0073 or by email at cghassabeh@forbesbrosLtd.ca

Sincerely,

Cyrus Ghassabeh

Cyrus Ghassabeh, Director
Forbes Bros Ltd. Telecommunication Services
482 South Service Road East, Unit 130
Oakville, ON L6J 2X6

APPENDIX # E
to
REPORT PLAN2020-013
FILE NO. D44-2019-001



The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-015

Meeting Date: May 26, 2020

Title: Proposed residential development for 155 townhouses on Lindsay Street North, Lindsay

Description: Application to amend the Town of Lindsay Zoning By-law to facilitate a draft plan of subdivision and a draft plan of common element condominium for a residential development consisting of 155 townhouse units and common element areas for internal road network, services and utilities, visitor parking, open space, amenity areas and easements on Lindsay Street North, Lindsay (2573532 Ontario Inc.)

Ward Number: 5

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

Recommendations:

That Report PLAN2020-015, **Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, Application D06-2019-007** be received;

That the Zoning By-law Amendment, D06-2019-007, substantially in the form attached as Appendix C to Report Plan 2020-015, be approved and adopted;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted applications for official plan amendment and zoning by-law amendment together with draft plan of common element condominium and draft plan of subdivision. The proposal is to permit a residential plan of subdivision consisting of two blocks for townhouse units with one block containing 55 residential units and a second block containing 100 residential units for a total of 155 residential units. The proposed townhouses that back onto the residential lots fronting Cottingham Crescent will be conventional bungalow townhouses while the townhouses backing onto the Victoria County Rail Trail (VCRT) will be conventional 2 storey townhouses. Landscaping and fencing is proposed along the eastern limit of the VCRT, in addition to the width of the trail to assist with the transition from the single detached dwellings fronting William Street North and the proposed townhouse development. The area of the applications is 5.71 ha. See Appendix “A” and “B”.

The statutory public meeting with respect to the applications was held by the Planning Advisory Committee on June 5, 2019. The applications returned to the Planning Advisory Committee on December 4, 2019 and the following resolution was passed:

PAC2019-081

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-067, **Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, Applications D01-2019-001, D04-2019-001, D05-2019-001 and D06-2019-007** be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report Plan 2019-067, be referred to Council for approval and adoption;

That the Zoning By-law Amendment, D06-2019-007, be referred back to staff for further review;

That the Draft Plan of Subdivision (16T-19501), D05-2019-001, as shown on Appendix D and the conditions substantially in the form attached as Appendix E to Report Plan 2019-067, be referred to Council for approval and adoption;

That the Draft Plan of Common Element Condominium (16CD-19501), D04-2019-001, as shown on Appendix F and the conditions substantially in the form attached as Appendix G to Report Plan 2019-067, be referred to Council for approval and adoption;

That Council having considered the changes to the revised Draft Plan of Subdivision and Draft Plan of Common Element Condominium deems no further public notice to be necessary; and

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

Carried

This report addresses that direction.

On December 10, 2019, Council adopted Official Plan Amendment No. 55 to the Town of Lindsay Official Plan through the passing of By-law No. 2019-173 which changed the designation from “Future Residential” to “Residential”, on the northern one-third of the property to permit residential development on the property.

On December 10, 2019, Council granted draft approval of Plan of Subdivision 16T-19501, to permit a residential plan of subdivision consisting of two blocks for townhouse units with one block containing 55 residential units and a second block containing 100 residential units for a total of 155 residential units. The Plan of Subdivision contained an extension of Alcorn Drive from Lindsay Street North to the western edge of the property.

On December 10, 2019, Council granted draft approval of Plan of Common Element Condominium 16CD-19501, to permit a plan of common element condominium to include internal road networks, services and utilities, visitor parking spaces, open space, amenity areas and easements.

Owner:	2573532 Ontario Inc. c/o Andrew Salomon
Applicant:	Bryce Jordan on behalf of GHD
Legal Description:	Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, now City of Kawartha Lakes
Designation:	Residential on Schedule ‘A’ of the Town of Lindsay Official Plan
Zone:	Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone on Schedule A of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	5.7 ha. (14.1 ac.)
Site Servicing:	Full urban services are proposed including municipal water, sanitary sewer, stormwater management ponds, streetlights, sidewalks and curbs.
Existing Uses:	Vacant Land

Adjacent Uses: North: Vacant land (Zoned Future Residential)
 East: Closed Lindsay landfill site and small community
 park (Pioneer Park)
 South: Residential lots fronting Cottingham Crescent
 West: VCRT and residential lots fronting William Street
 North)

In adopting the official plan amendment and granting the draft plan of subdivision and draft plan of common element condominium, the proposed development will be implemented with the following key components. The draft plan of subdivision will create two residential blocks for the townhouses and the street, Alcorn Drive will be dedicated on the final plan of subdivision as a public street. The individual lots or parcels of tied land (POTL's) that contain the townhouse units will be created by lifting part lot control under the Planning Act. The development of the townhouse blocks will be subject to site plan approval. The draft plan of common element condominium (CEC) will create the internal road network, services and utilities, visitor parking spaces, open space and easements which will complete the development. The buffer area adjacent to Distillery Creek has been included as a common element on the draft plan of CEC. See Appendix 'A' and 'B'.

The placement of the townhouses within the blocks and on the parcels will comply with a site specific zoning by-law amendment. The zoning by-law amendment (ZBA) originally proposed that the Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone be changed to the Residential Multiple One Special (RM1-**) Zones and Residential Multiple Two Special (RM2-**) Zones to permit the townhouses fronting either on a public street or a privately owned condominium road and to apply site specific development standards for the development. Through a comprehensive review of the application, staff has worked with the applicant and propose a change to the Residential Multiple Two Special (RM2-**) Zone only with language that address townhouses that front either on a public street or a privately owned condominium road and applies site specific development standards. For the purposes of the Residential Multiple Two Special (RM2-**) Zone, the townhouses are referred to as Multiple Attached Dwellings which can front either on a public street or a privately owners condominium road.

Provincial Policies:

Provincial Policy Statement (PPS) 2020

The applications for official plan amendment, zoning by-law amendment, draft plan of subdivision and draft plan of common element condominium were received and reviewed under the PPS 2014 and staff concluded in the Report PLAN2019-067 that the applications were consistent with the PPS 2014.

The PPS 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the

Council of a municipality shall be consistent with the policy statement that is in effect on the date of the decision. Therefore, the zoning by-law application is now subject to the policies in the PPS 2020.

The PPS 2020 was reviewed for changes as they relate to the zoning by-law application and staff confirms that there are no applicable changes in the PPS 2020 that affect the zoning by-law application. Staff are satisfied that the zoning by-law application is consistent with the PPS 2020.

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

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 had requested that the applicant assess the proposed development applications for conformity with the policies of the 2019 Growth Plan. Staff received and reviewed the submission and agrees that the the zoning by-law amendment conforms with the 2019 Growth Plan.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan was adopted in September 2010 and included the subject property within the Urban Settlement Boundary of Lindsay as recommended by the Growth Management Study (GMS). The Lindsay Secondary Plan was adopted by Council in June 2017 and is currently under appeal to the LPAT. The governing policy document is the Town of Lindsay Official Plan (LOP). Staff confirms that the proposed development maintains the medium density requirement in the LOP of less than 62 dwelling units per gross hectare.

Pursuant to Section 4.1.2.2 of the LOP, the proposed zoning by-law amendment governs the proposed development to maintain the criteria for medium density residential developments such as density, height and character of the development, access to arterial or collector roads, adequate water and sewer servicing and access to parks.

The zoning by-law amendment conforms with the LOP.

Zoning By-Law Compliance:

The land is zoned Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone in the Town of Lindsay Zoning By-law No. 2000-75. The applications propose both townhouse dwellings and multiple attached townhouse dwellings, which are permitted in the Residential Multiple One (RM1) Zone and Residential Multiple Two (RM2) Zones. Townhouse dwellings front on a public street and multiple attached townhouse dwellings front on a private street. Under a comprehensive zoning review, staff and the applicant agree that

the Residential Multiple Two (RM2) Zone may be used with language that addresses the fronting issue and to apply appropriate development standards once part lot control has been lifted.

Staff did not recommend that the application for zoning by-law amendment be referred to Council at the December 4, 2019 PAC meeting as additional time was required to ensure that the details of development such as minimum lot size, minimum front and rear yard setbacks, maximum lot coverage, permitted projections into the required yards for any open decks and specific development standards for those lots adjacent to Lindsay Street North were correctly set out in the implementing zoning by-law. Staff requested additional detail from the applicant, which was received and reviewed. It was also necessary to rezone those lands adjacent to Distillery Creek to maintain the naturalization of the area. These lands are part of a common element and will be held by the Condominium Corporation.

Staff continues to support site specific development standards to achieve an overall design that is attractive and functions as a complete neighbourhood, providing easy access, good urban design, walkability and connectivity to streets, parks and walking trails and has regard for adjoining established neighbourhoods. To this end, the following site specific development standards are supported:

1. Permitting the proposed townhouse development to be multiple attached dwellings which will front either a public street (Lindsay Street North or Alcorn Drive) or a private condominium road.
2. Front facades on Lindsay Street North and Alcorn Drive with detached garages in the rear to be accessed from the private condominium road.
3. Proposed condominium road of 7 m.
4. Reduced front yard setbacks that allow for greater rear yards which for the majority of the proposed lots maintain the zoning by-law rear yard setback of 7.5 m.
5. Separate front yard setbacks for the dwelling and the attached garage to create an interesting streetscape with recessed garages.
6. A reduced rear yard setback to 6.0 m. is proposed on those lots adjacent to the Distillery Creek buffer area. This reduction is supported as there is an additional 8 m. setback from the valley lands of the creek.
7. A 2.4 m. permitted deck projection into the rear yard setback which will allow for decks without requiring minor variances.
8. A maximum building height of 10.5 m. will limit the townhouses to 2 storeys to blend with adjacent established neighbourhoods. One storey or bungalow townhouses are proposed for those lots adjacent to the lots fronting Cottingham Crescent.

Staff worked with the applicant on a draft zoning by-law which is attached as Appendix “C”. The draft zoning by-law is detailed and to assist with ease of reference, the applicant has submitted overall lot information along with examples of block and parcel information. See Appendix “D”.

The proposed development will be subject to site plan approval by the City. The site plan application will consider further details of development such as servicing, grading, drainage, sediment and erosion control, building elevations and facades, lighting, landscaping and waste collection, etc. Prior to site plan submission, the applicant will submit detail engineering under the draft plan approval of the subdivision and common element condominium.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their 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 2020 – 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

The zoning by-law application aligns with the Exceptional Quality of Life and Healthy Environment strategic priorities. The proposal seeks to create 155 residential townhouses which will increase the supply of affordable housing, create a new neighbourhood and provide for walkability and connectivity to the VCRT and the Woods of Jennings Creek Park. An underutilized neighbourhood park (Pioneer Park) is available to the development along with a proposed design for eyes on the park from the west side of Lindsay Street North. An appropriate buffer area from Distillery Creek is proposed that will protect and possible enhance water quality. There is opportunity to utilize Low Impact Development (LID) techniques throughout the development.

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 subdivision and site plan agreements and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The Functional Servicing and Stormwater Management Report was circulated to the Engineering and Corporate Asset Division and KRCA under the original review of the official plan amendment and draft plans of subdivision and common element condominium. Comments received indicated there was no objection to the proposed development applications to permit townhouse dwellings on the subject property.

Consultations:

No further consultations were considered at this time.

Development Services – Planning Division Comments:

The additional detail with respect to the application for rezoning has been received and reviewed. The application for rezoning conforms to the 2019 Growth Plan and Town of Lindsay Official Plan and is consistent with the 2020 Provincial Policy Statement.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the draft zoning by-law amendment be approved and adopted by Council.

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 x 1331.

Appendix 'A' – Location Map



Appendix 'A' -
Location Map.pdf

Appendix 'B' – Proposed Concept Plan



Appendix 'B' -
Concept Plan.pdf

Appendix 'C' – Draft Zoning By-law



Appendix C -
Report PLAN2020-01

Appendix 'D' – Overall Lot, Block & Parcel Information



Appendix 'D' -
Overall Lot, Block & P.

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D06-2019-007

'Lindsay'

Scugog River

CON. 5

CON. 6

Alcorn Dr

SUBJECT LAND

Lot 24

Found Av

Lindsay St N

Lot 23

Cottingham Cr

The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2019-007, Reports PLAN2019-067 and PLAN2020-015, respecting Part Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay – 2573532 Ontario Inc.]

Recitals:

1. Sections 34 and 36 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 155 residential unit townhouse development by plan of subdivision and plan of common element condominium and to amend the development standards 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 of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, now City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding the following section to Section 10.3:

10.3.20 RM2-S20 Zone

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S20 only the following uses are permitted:

- a) The only permitted uses on common element lands shall be accessory uses, open space and infrastructure such as meter rooms, communal mailboxes, visitor parking, private roads and common amenity areas.
- b) The only permitted uses on parcels of tied land (lots) are multiple attached dwellings which, notwithstanding Section 4.50 of the by-law, are separate buildings divided vertically into two or more dwelling units each of which has

independent entrances to a front and rear yard, and may include accessory detached garages.

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S20 the following only shall apply:

- a) A maximum of 55 multiple attached dwelling units shall be permitted.
- b) A minimum total of 1 visitor parking space for every 3 dwelling units or part thereof shall be required on the common element lands.
- c) An accessory meter room shall be set back a minimum of 2.3 m. from a private road.
- d) For lots which are parcels of tied land, the following shall apply:
 - i) For the purposes of Section 5.27 of the by-law and the determination of a front lot line, frontage on a private road in a common element shall be considered frontage on a public street.
 - ii) Where a lot has frontage on both a public street and a private road in a common element, the front lot line will be deemed to be the lot line dividing the lot from the public street.
 - iii) Minimum lot area per dwelling unit 155 sq.m.
 - iv) Minimum lot frontage per dwelling unit 6.0 m.
 - v) Minimum front yard setback

	From a public street	From a private road
To a dwelling	3.5 m.	4.5 m.
To a garage door	Not permitted	6.0 m.
 - vi) Minimum exterior yard setback 3.5 m. to a public street
2.5 m. to a private road
 - vii) Minimum interior side yard setback 1.5 m. except where not adjacent to another lot in which case the minimum interior side yard requirement shall be 1.2 m. However no interior side yard setback is required where there is common wall between dwelling units on adjacent lots or a meter room in a common element.

- viii) Minimum rear yard setback 7.5 m. except where the rear yard abuts an Open Space Zone where the minimum rear yard setback shall be 6.0 m.
- ix) Maximum building height 10.5 m.
- x) Minimum landscaped open space 25%
- xi) A porch with a maximum height of 1.2 m. may encroach into the required front yard setback up to 1.5 m. Stairs may encroach an additional 1.0 m.
- xii) A deck with a maximum height of 1.8 m. may encroach up to 2.4 m. into a required rear yard setback. Stairs may encroach an additional 1.0 m.
- xiii) Each lot shall provide a minimum of two parking spaces either in a garage or on a private driveway.
- xiv) Notwithstanding Section 5.2 of the by-law, an accessory detached garage up to a maximum of 40 sq.m. and a maximum height of 5 m. may be permitted in the rear or side yard provided it is located at least 1.0 m. from a private road.
- xv) For corner lots, Section 5.4 of the by-law shall not apply. However, the front and exterior side yards of such corner lots shall be free of any hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m. measured from the finished grade of the streets that abut the corner lot.

1.03 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding the following section to Section 10.3:

10.3.21 RM2-S21 Zone

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S21 only the following uses are permitted:

- a) The only permitted uses on common element lands shall be accessory uses, open space and infrastructure such as meter rooms, communal mailboxes, visitor parking, private roads and common amenity areas.
- b) The only permitted uses on parcels of tied land (lots) are multiple attached dwellings which, notwithstanding Section 4.50 of the by-law, are separate buildings divided vertically into two or more dwelling units each of which has independent entrances to a front and rear yard, and may include accessory detached garages.

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S21 the following only shall apply:

- a) A maximum of 100 multiple attached dwelling units shall be permitted.
- b) A minimum total of 1 visitor parking space for every 3 dwelling units or part thereof shall be required on the common element lands.
- c) An accessory meter room shall be set back a minimum of 2.3 m. from a private road.
- d) For lots which are parcels of tied land, the following shall apply:
 - i) For the purposes of Section 5.27 of the by-law and the determination of a front lot line, frontage on a private road in a common element shall be considered frontage on a public street.
 - ii) Where a lot has frontage on both a public street and a private road in a common element, the front lot line will be deemed to be the lot line dividing the lot from the public street.
 - iii) Minimum lot area per dwelling unit 160 sq.m.
 - iv) Minimum lot frontage per dwelling unit 6.0 m.
 - v) Minimum front yard setback

	From a public street	From a private road
To a dwelling	3.5 m.	4.5 m.
To a garage door	Not permitted	6.0 m.
 - vi) Minimum exterior yard setback 3.5 m. to a public street
2.5 m. to a private road
 - vii) Minimum interior side yard setback 1.5 m. except where not adjacent to another lot in which case the minimum interior side yard requirement shall be 1.2 m. However no interior side yard setback is required where there is common wall between dwelling units on adjacent lots or a meter room in a common element.
 - viii) Minimum rear yard setback 7.5 m.
 - ix) Maximum building height 10.5 m.

- x) Minimum landscaped open space 25%
- xi) A porch with a maximum height of 1.2 m. may encroach into the required front yard setback up to 1.5 m. Stairs may encroach an additional 1.0 m.
- xii) A deck with a maximum height of 1.8 may encroach up to 2.4 m. into a required rear yard setback. Stairs may encroach an additional 1.0 m.
- xiii) Each lot shall provide a minimum of two parking spaces either in a garage or on a private driveway.
- xiv) Notwithstanding Section 5.2 of the by-law, an accessory detached garage up to 40 sq.m. and a maximum height of 5 m. may be permitted in the rear or side yard provided it is located at least 1.0 m. from a private road.
- xv) For corner lots, Section 5.4 of the by-law shall not apply. However, the front and exterior side yards of such corner lots shall be free of any hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m. measured from the finished grade of the streets that abut the corner lot.

1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the "Residential One (R1)", "Residential Two (R2)" and "Future Residential (FR)" Zones to the "Residential Multiple Two Special Twenty (RM2-S20)" and "Residential Multiple Two Special Twenty-one (RM2-S21)" and "Parks and Open Space (OS)" for the land referred to as 'RM2-S20', 'RM2-S21' and 'OS', 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

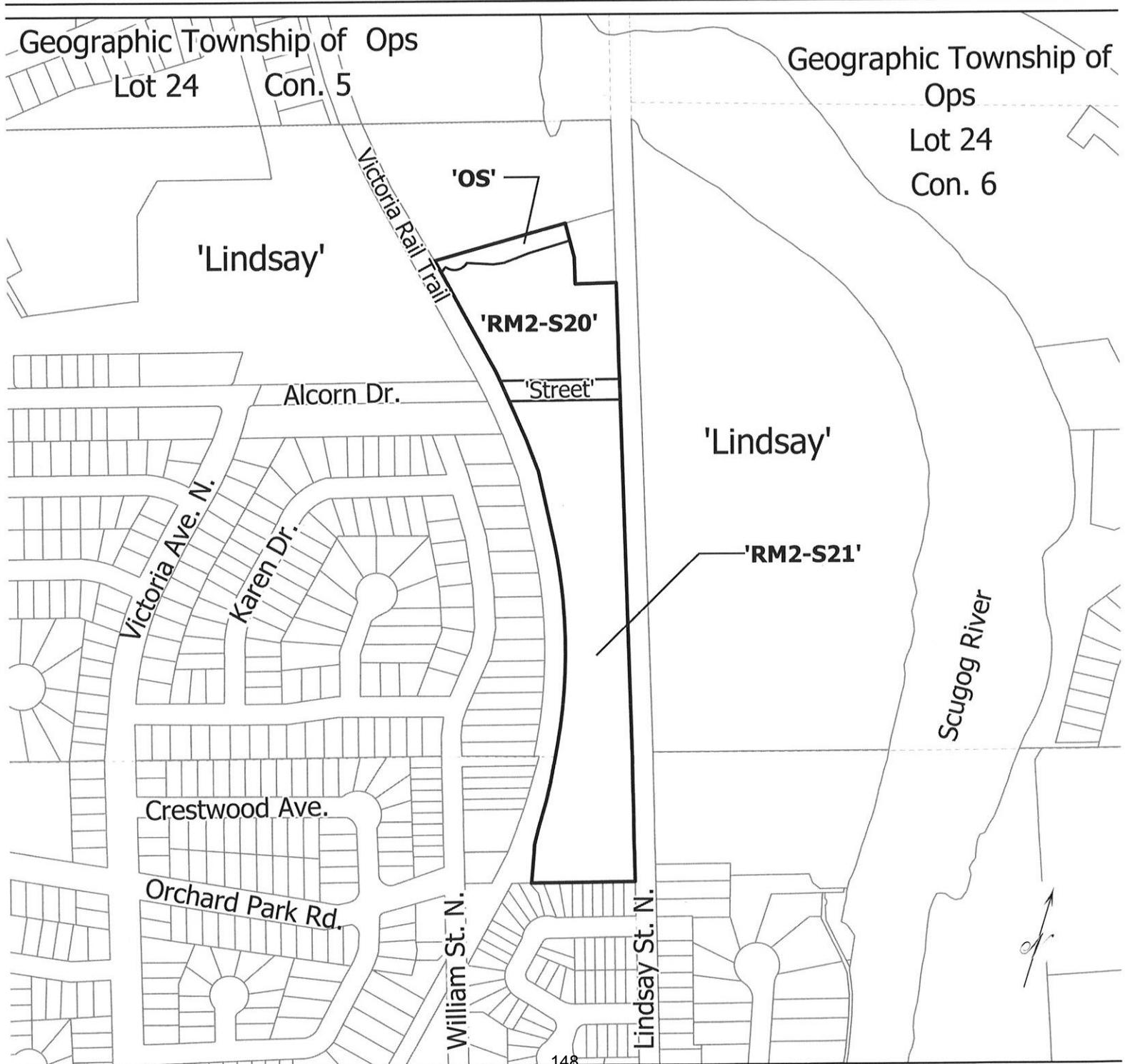
THE CORPORATION OF THE CITY OF

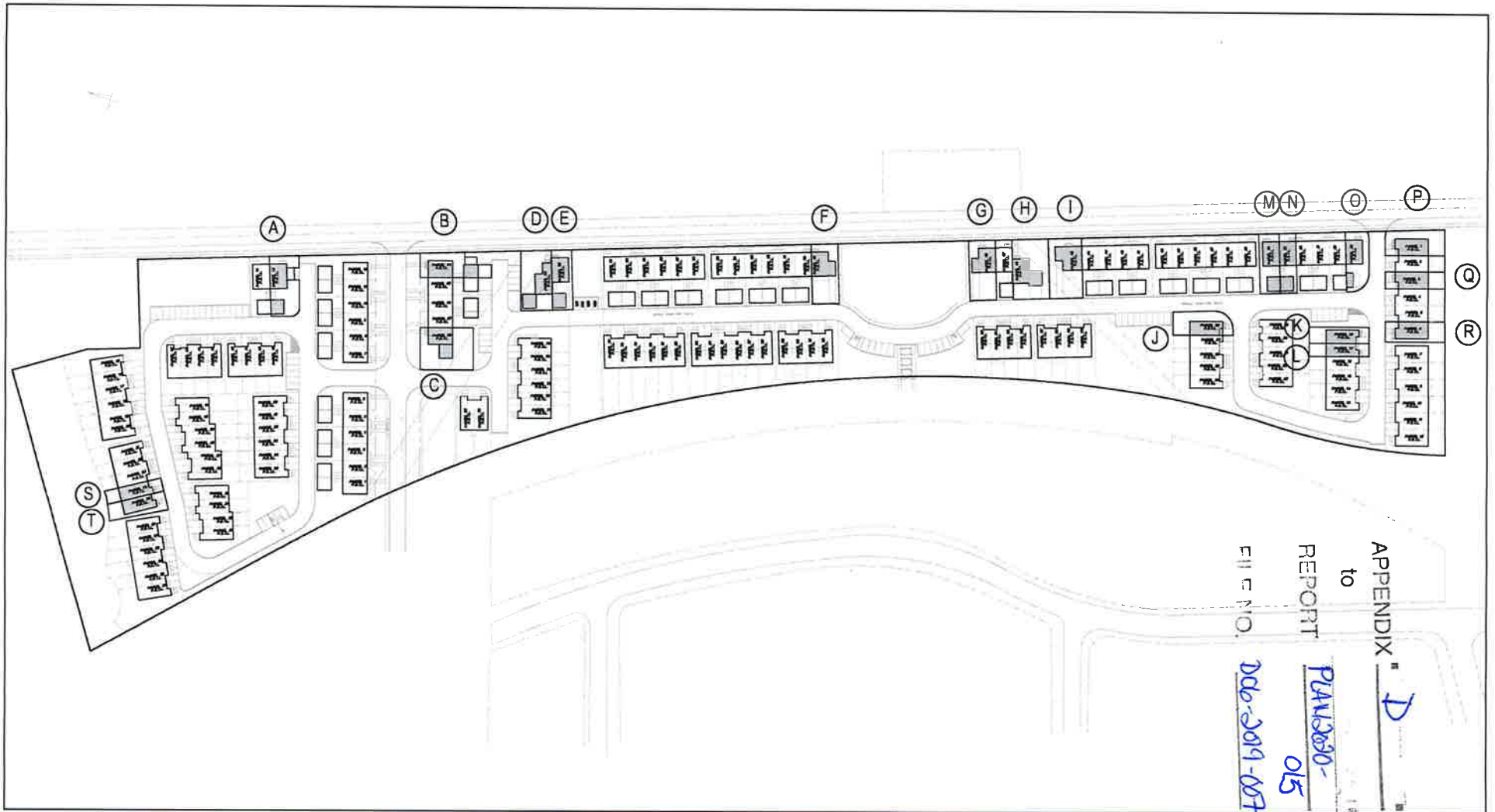
KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



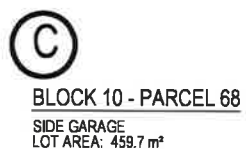
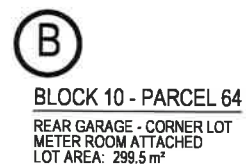


KEY PLAN
N.T.S.



2000 LINDSAY STREET NORTH
LOT INFORMATION

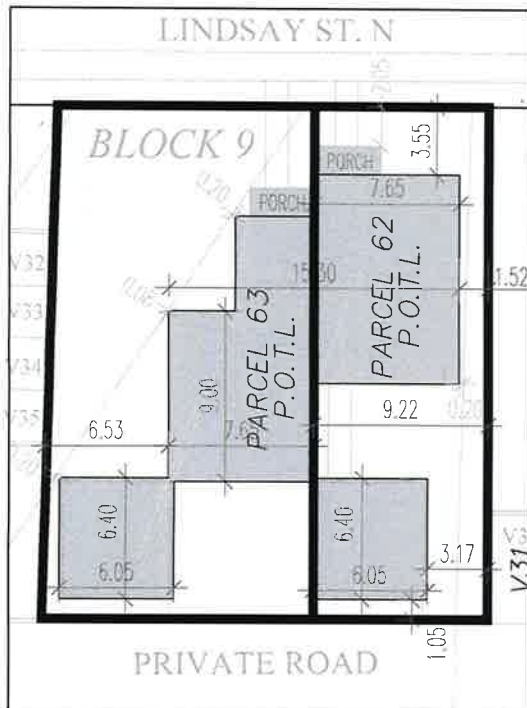
Job Number 11148821
 Revision B
 Date JAN 2020
Figure 00



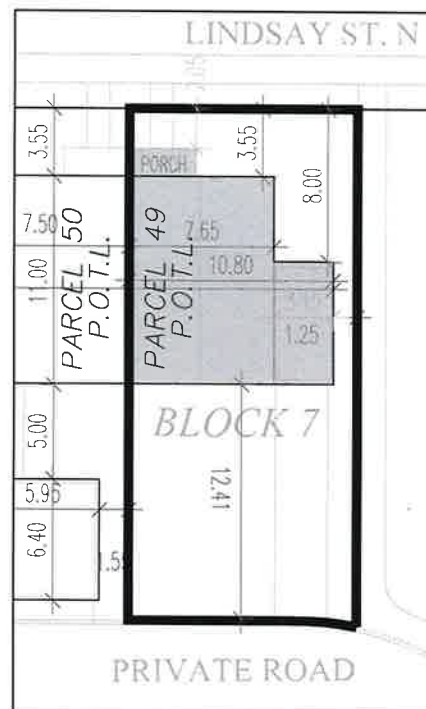
2000 LINDSAY STREET NORTH
LOT INFORMATION

Job Number 11148821
Revision B
Date JAN 2020
Figure 01

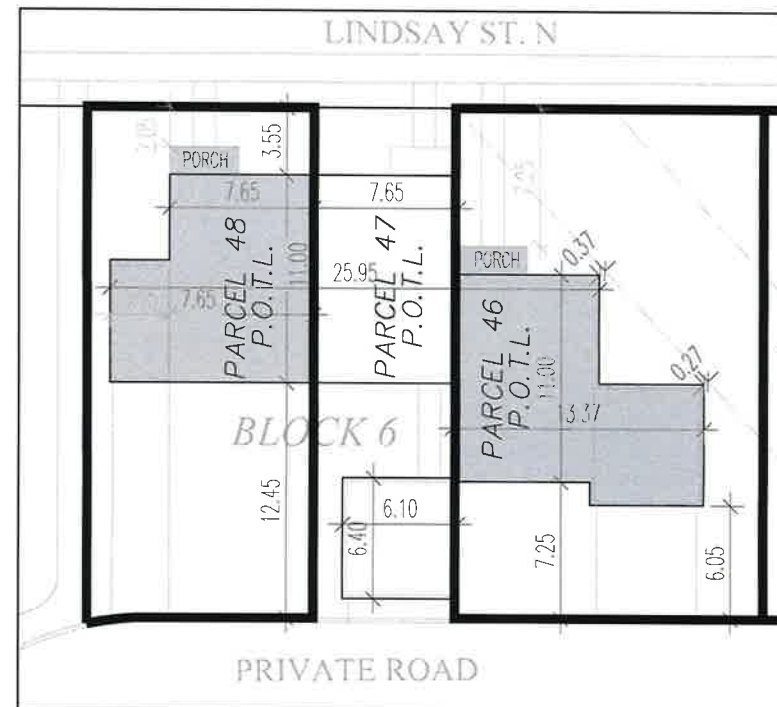
66 Sunray Street, Whitby, Ontario L1M 8Y3 T 1 905 686 6402 F 1 905 421 7877 E yvonne@qhq.com W www.qhq.com



(D)
BLOCK 9 - PARCEL 63
SPECIAL DESIGN
LOT AREA: 377.1 m²



(F)
BLOCK 7 - PARCEL 49
SPECIAL DESIGN
LOT AREA: 325.9 m²



(G)
BLOCK 6 - PARCEL 48
SPECIAL DESIGN
LOT AREA: 324.9 m²

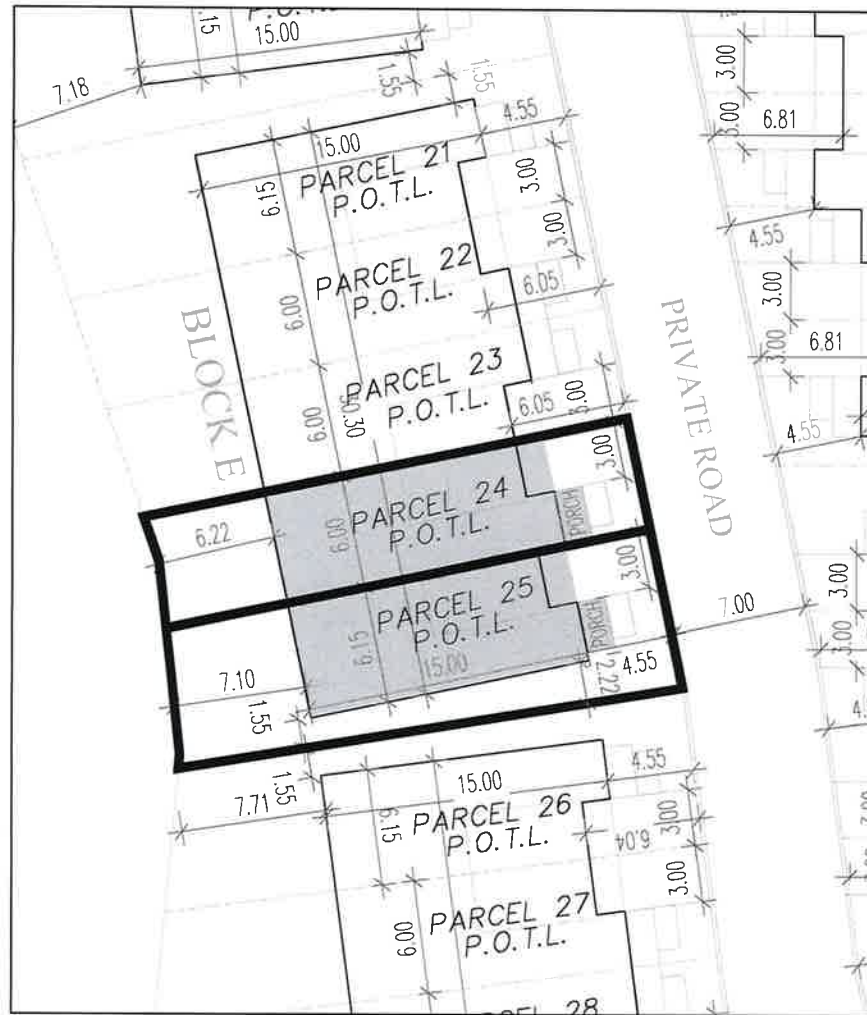
(H)
BLOCK 6 - PARCEL 46
SPECIAL DESIGN
LOT AREA: 442.7 m²

0 2.5 5.0 7.5m
SCALE 1:250 AT ORIGINAL SIZE



2000 LINDSAY STREET NORTH
LOT INFORMATION

Job Number 11148821
Revision A
Date JAN 2020
Figure 02



BLOCK E - PARCEL 24

FRONT LOADED
BACKING ON OPEN SPACE ZONE
LOT AREA: 155.5 m²



BLOCK E - PARCEL 25

FRONT LOADED
BACKING ON OPEN SPACE ZONE
LOT AREA: 211.1 m²



2000 LINDSAY STREET NORTH
LOT INFORMATION

Job Number | 11148821
Revision | A
Date | JAN 2020

Figure 05

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-016

Meeting Date: May 26, 2020

Council Meeting

Title/Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Fenelon Zoning By-law 12-95 to permit a residential condominium development consisting of 26 townhouse dwellings and two apartment buildings containing 60 dwelling units on West Street North, geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)

Ward Number: 3 - Fenelon

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2020-016, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, "Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028", be received;

That a By-law to implement Official Pan Amendment application D01-2018-006, substantially in the form attached as Appendix 'C' to Report PLAN2020-016 be approved and adopted by Council;

THAT a By-law to implement Zoning By-law Amendment application D06-2018-028, substantially in the form attached as Appendix 'D' to Report PLAN2020-016 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.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The initial statutory public meeting was held to consider the previous proposal, which did not include the property along the waterfront, and was to permit a residential condominium development consisting of 24 townhouse dwellings in three 5-unit townhouse blocks with separate entrances along West Street North, three 3-unit townhouse blocks and one 40-unit apartment building consisting of 4 residential floors with parking below for a total of 64 dwelling units together with a private stormwater management pond, amenity area and an internal road providing access to parking facilities. This public meeting was held by the Planning Advisory Committee on March 6, 2019, which adopted the following recommendation:

PAC2019-018

Moved By Councillor Veale

Seconded By J. Willock

That Report PLAN2019-015, respecting being Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, Geographic Township of Fenelon, identified as 19 and 39 West Street North, Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

At the Council Meeting of March 26, 2019, Council adopted the following resolution:

CR2019-232

Moved By Councillor O'Reilly

Seconded By Councillor Veale

That the Minutes of the March 6, 2019 Planning Advisory Committee Meeting be received and the recommendations, listed in section 13.1 of the Agenda, be adopted.

Carried

Notwithstanding the above direction, another public meeting was held to consider revised applications for Official Plan Amendment and Zoning By-law Amendment that were submitted as the owner acquired additional property along the waterfront and revised the number and configuration of the proposed dwelling

units. This subsequent Public Meeting was held by the Planning Advisory Committee on October 9, 2019, which adopted the following recommendation:

PAC2019-069

Moved By Mayor Letham

Seconded By J. Willock

That Report PLAN2019-057, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

At the Council Meeting of October 22, 2019, Council adopted the following resolution:

CR2019-579

Moved By Councillor O'Reilly

Seconded By Councillor Veale

That the Minutes of the October 9, 2019 Planning Advisory Committee Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

Carried

The revised proposal, which includes the waterfront property, consists of 26 townhouse dwellings, all with internal driveway access in four 3-unit townhouse blocks, one 4-unit townhouse block, two 5-unit waterfront townhouse blocks and two 30-unit apartment buildings consisting of 4 residential floors with a ground level of parking for a total of 86 dwelling units, without a private stormwater management pond. The proposal will be developed on full municipal water and sewer services.

As applied for, the purpose of the revised proposed Official Plan Amendment and Zoning By-law Amendment is to re-designate the lands from the “Urban Settlement – Fenelon Falls Fringe” area designation in the City of Kawartha Lakes Official Plan to an “Urban Settlement – Fenelon Falls Fringe” area designation with a “Special Policy” to permit residential development in the form of townhouses, including waterfront townhouses with a 15 metre water setback

and apartment dwelling units with an overall density of approximately 44 dwelling units per gross hectare and to rezone the lands from the “Future Residential Development (FRD)” Zone, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to a “Hamlet Residential Exception (HR-*)” Zone or other appropriate residential zone category with site specific residential zone provisions. It is anticipated that the owners will seek Council’s approval for a Condominium Description Exemption once Site Plan Approval has been granted.

Owners:	Muskoka D&M Corp. (c/o Doug Gray)
Applicant:	EcoVue Consulting Services Inc. – Beverly Saunders
Legal Description:	Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon
Designation:	“Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan
Zone:	“Future Residential Development (FRD) Zone”, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” on Schedule ‘G’ of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	1.988 ha (4.913 ac.)
Site Servicing:	Proposed municipal water and sanitary sewer, drainage swales and storm sewers
Existing Uses:	Vacant Land and waterfront dwelling with boathouse
Previous Uses:	Wood furniture and toy manufacturing and automobile service facility activities, waterfront residential
Adjacent Uses:	North: Cameron Lake East: West Street North/Residential South: Residential West: Bass Street/Commercial/Residential

Rationale:

The subject property, municipally known as 19 (and formerly 39) and 67 West Street North, is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) and includes waterfront property on Cameron Lake (see Appendix ‘A’). The proposed development borders the Village of Fenelon Falls but is located within the geographic Township of Fenelon. The owners propose a residential condominium development consisting of 26 townhouse dwelling units and 60 apartment dwelling units (see Appendix ‘B’). The proposed development will be serviced by municipal water and sanitary sewer and storm sewers. The internal components of the development are proposed to be accessed from West Street North through

a common elements condominium road. Bass Street access is reserved for emergency access only. An amendment to the Official Plan and Zoning By-law is necessary to permit the proposed configuration of apartment buildings and townhouse dwelling residential use with a reduced water setback at a density of 44 dwelling units per gross hectare.

The applicant has submitted the following reports and plans along with updates in support of the revised applications for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated October 23, 2018 and updated August 8, 2019. The reports discuss and assess the proposal in the context of the 2014 Provincial Policy Statement (PPS), Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law. A Planning Justification Report Addendum Update Letter was provided by EcoVue Consulting Services Inc., dated May 11, 2020 to demonstrate that the subject applications are consistent with the 2020 PPS, which came into effect on May 1, 2020.
2. A Planning Justification Report Addendum Update Letter was provided by EcoVue Consulting Services Inc., dated December 19, 2019 to provide a comparative analysis of the proposed development and the surrounding neighbourhood in terms of massing, density and neighbourhood character. The update compared the shoreline townhomes, in-land townhomes and apartment buildings to surrounding and/or comparative local developments and determined that visual impacts associated with the percentage of built-up area, building coverage, height and distance between structures and the shoreline or road are consistent with or better than neighbouring properties or comparative sites, considering augmented shoreline restoration, architectural design, landscape buffers and fencing and green space. The update also concluded that the proposal is compatible with the existing area and appropriate and desirable as a transition to increased housing types and densities is encouraged to conform with Provincial Policies in the Growth Plan.
3. Concept (Draft) Plan prepared by EcoVue Consulting Services Inc., dated September 26, 2018 and updated August 7, 2019.
4. Conceptual Site Plan Layout prepared by Lett Architects Inc., dated July 6, 2018 and updated August 2019 as prepared by ISM Architects Inc.
5. Preliminary Building Elevations prepared by Lett Architects Inc., dated July 6, 2018 and updated August 2019 as prepared by ISM Architects Inc.
6. Shadow Study prepared by Lett Architects Inc., dated July 6, 2018 and amended July 2019 as prepared by ISM Architects Inc. demonstrates the buildings will not have significant impact on adjacent properties.

7. Urban Design Guideline prepared by ISM Architects, received January 16, 2019.
8. Geotechnical Investigation Report dated June 2018 and Supplemental Test Pit Investigation and Karst Conditions Review dated July 2019 prepared by prepared by Peto MacCallum Ltd., Consulting Engineers. The supplemental report concludes there is low potential for complications due to Karst conditions for the site.
9. Phase One and Phase Two Environmental Site Assessment Report prepared by Grace & Associates Inc., dated October 22, 2013 and January 21, 2014, respectively. Phase One Environmental Site Assessment Report for the acquired waterfront property prepared by Trinity Consultants dated April 2019. This Phase One Report identified no environmental concerns on the waterfront property.
10. Stage 1 and 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc., dated October 22, 2018. Stage 1 and 2 Archaeological Assessment for the acquired waterfront property prepared by Earthworks Archaeological Services Inc., dated July 16, 2019. These reports identify and evaluate the proposal with respect to archaeological resources and did not yield any evidence of archaeological material.
11. Topographic Survey Plan prepared by EcoVue Consulting Services Inc., dated January 18, 2018 and updated April 2019.
12. Plan of Survey prepared by Coe, Fisher, Cameron, Ontario Land Surveyors dated August 29, 2000 deposited as Plan 57R-8353 on October 6, 2000 and Legal Survey for the acquired waterfront property prepared by Smith & Smith, dated May 1978.
13. Traffic Impact Study (TIS) for MDM Developments prepared by JD Northcote Engineering Inc., dated May 14, 2018 and updated August 2019. An updated TIS and letter response was prepared by JD Northcote Engineering Inc., dated December 13, 2019 to address City Engineering comments. The reports conclude that the proposed development will not cause any operation issues and will not add significant delay or congestion to the local road network and addresses public comments by indicating there is significant excess capacity in the existing road network and acceptable cross-section to accommodate anticipated future traffic volumes.
14. Functional Servicing Report prepared by Pearson Engineering Ltd., dated July 2018 and updated August 2019. The report examines municipal water and sanitary servicing options for the property as well as stormwater management and includes requested stormwater and phosphorus management and lot grading and drainage plans. The report concludes sanitary and watermain connections are required to be made to existing services on West Street North and storm services will be conveyed to Cameron Lake with a treatment train approach to

be implemented consisting of grass swales and rooftop infiltration which has been sized to provide water balance for the site. A further response letter dated December 11, 2019 and revised Functional Servicing Report prepared by Pearson Engineering Ltd., dated December 2019 were provided to address City Engineering comments and Kawartha Conservation comments.

15. Engineering Drawings including Notes and Details Plan, Site Grading Plan, Site Servicing Plan, Pre-Development Storm Catchment Plan, Post-Development Storm Catchment Plan and Erosion Protection Plan, prepared by Pearson Engineering Ltd., dated July 2018 and updated August 2019. Further revised Engineering Drawings prepared by Pearson Engineering Ltd., were received on December 20, 2019 in conjunction with the revised Functional Servicing Report (above).
16. Environmental Impact Study and Fish Habitat Enhancement Plan prepared by RiverStone Environmental Solutions Inc., dated August 2019. This report recommends that potential impacts to fish habitat associated with Cameron Lake can be addressed through avoidance and mitigation measures and that the development is proposed outside of potential habitat for Species at Risk. A further response letter was prepared by RiverStone Environmental Solutions Inc., dated December 16, 2019 to address Kawartha Conservation comments regarding the applicant's requested 15 metre shoreline buffer. A buffer planting plan was provided for enhancing the riparian area to satisfy the KRCA. This shoreline restoration together with the implementation of adequate stormwater controls is sufficient to mitigate negative impacts to water quality and protect natural heritage features.
17. Restricted Land Use Notice issued by the Risk Management Official (RMO) of the Kawartha Region Conservation Authority (KRCA) dated February 2019 and July 2019 as required under Section 59 of the Clean Water Act (2006) as a portion of the property is within an intake protection zone for Fenelon Falls. This is necessary to engage in an activity in a vulnerable area for a municipal drinking water supply; however, there is no prohibition or risk management plan requirement. A new application for Notice will need to be submitted prior to applying for any subsequent municipal approvals under the Planning Act or Building Code Act.
18. Planning Response prepared by EcoVue Consulting Services Inc., dated March 19, 2020 to address outstanding comments from Departments and Agencies. These include responses to comments provided by the City's Planning Department, including for further consultation with and review of Ministry of Natural Resources and Forestry (MNRF) and Department of Fisheries and Oceans (DFO) requirements, response to comments provided by the Ministry of Environment, Conservation and Parks (MECP) regarding the 30 metre water setback and comments provided by Kawartha Conservation.

All of the above previous and revised reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the amended Planning Justification Report that was prepared and filed in support of the applications and has reviewed the other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans. Further discussions have been conducted with the applicant along with correspondence received to clarify aspects of the proposal with respect to conformity to any applicable policies and/or zoning provisions.

Provincial Policies:

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas and utilizes existing or planned infrastructure and anticipates the intensification of brownfield sites. The proposed development will provide infill residential development on full municipal services and be located within the Fenelon Falls 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.

As the subject land is considered within a settlement area, the Natural Heritage System policies of the Growth Plan do not apply.

Therefore, these applications would conform to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (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.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs; and
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.1 states that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. support active transportation; and
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, which permits Planning authorities to identify appropriate locations and promote opportunities where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. A portion of the proposed development for intensification and redevelopment occupies a brownfield site and will utilize existing municipal infrastructure.

Section 1.4 Housing, requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet the social, health and well-being requirements of current and future residents, including special needs requirements. The proposed residential development in the form of townhouses and apartments provides options for intensification to meet the housing objectives of the PPS.

Section 1.6 Infrastructure and Public Service Facilities, promotes intensification and redevelopment within settlement areas utilizing existing municipal sewage services and municipal water services and planning for stormwater management that will minimize increases in contaminant loads and changes in water balance and erosion, not increase risks to human health and safety and property damage, maximize the extent and function of vegetative and pervious surfaces and promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development. The proposed development includes stormwater control measures including a low impact development measures to satisfy the requirements of the PPS.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their

ecological functions. The revised applications and supporting documentation, including the Environmental Impact Study (EIS) and Shoreline Restoration Plan and Supplemental Test Pit Investigation and Karst Conditions Review were circulated to the Kawartha Region Conservation Authority (KRCA) for their review to ensure conformity with respect to:

- a) natural heritage feature policies as identified in Section 2 of the PPS being within or adjacent to the proposed development being within 120 metres of a waterbody (Cameron Lake); and
- b) whether any natural hazards, as identified in Section 3 of the PPS are located within the proposed development.

Also in relation to Section 3, a Phase One and Phase Two Environmental Site Assessment (ESA) was previously circulated for review and comment in relation to human-made hazards. Although these assessments suggested no further investigation is recommended as all tested parameters related to soil and groundwater sampling were in accordance with MOE standards, the Ministry of Environment, Conservation and Parks (MECP) previously advised further work is required to address significant deficiencies in the initial Record of Site Condition (RSC) submission from 2014. In addition, the Phase 1 and Phase 2 Studies need to be updated and more scoped work may need to be undertaken in order to bring these studies into conformity with the current regulations in order to properly file a Record of Site Condition for the subject property. With the revised applications, a Phase 1 ESA for the newly acquired waterfront lands and the Environmental Impact Study (EIS) were circulated to MECP for comment as it is now within their mandate to review Species at Risk (SAR).

Archaeological Assessments were completed in relation to Section 2.6 of the PPS and Staff submitted copies of these to Curve Lake First Nation for input.

In consideration of the above, these applications are consistent with the PPS.

Official Plan Conformity:

The “Urban Settlement Area – Fenelon Falls Fringe” designation in the City of Kawartha Lakes Official Plan (CKLOP) applies as the “Residential” designation in the Fenelon Falls Secondary Plan (SP) is under appeal to the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board. The Urban Settlement designation predominately permits single detached dwellings as a residential use; however medium density residential uses in the form of row or cluster dwellings are also permitted with a maximum density of 24 dwelling units per gross hectare. The proposed density on the subject land, being 44 dwelling units per gross hectare, exceeds the medium density policy provisions, and therefore an Official Plan Amendment is being sought to create a Special Policy Area to permit the proposed higher density development in the built form of townhouses and apartment buildings which is in keeping with the general policies of the proposed SP for residential use of land within the settlement area of Fenelon Falls. In addition, Staff has reviewed the application submission with respect to reducing the water setback from 30 metres to 15 metres in relation to the Water Setback policies of Section 3.11 that pertain to maintaining a natural

vegetated area and establishing a vegetation protection zone, and minimizing impacts of expansion and reconstruction and soil erosion. In this regard, Staff would support a minimum water setback of 20 metres for habitable buildings allowing a minimum 15 metre water setback for uncovered decks, balconies, recreational structures (e.g., outdoor furniture), and walkways to be implemented through the amending zoning by-law. This increased setback for habitable buildings will provide further protection for the protection of water quality as more permeable surface will be available under decks to allow for water infiltration. Staff have also reviewed the Housing Affordability policies in the CKLOP and note that affordable housing as defined is not contemplated by this proposal. It should also be noted that the 25 percent target would be implemented at the discretion of Council in the interim prior to a housing strategy being in place. However, the range of housing proposed in the form of townhouses and apartments does meet the housing policies in the PPS.

Zoning By-Law Compliance:

The subject land is zoned “Future Residential Development (FRD) Zone”, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” in the Township of Fenelon Zoning By-law 12-95. The applicant has submitted a revised Zoning By-law Amendment application for consideration which proposes to rezone the subject lands to an appropriate multiple residential zone category to permit the proposed development consisting of a mix of townhouse and apartment residential dwelling units with site specific provisions including but not limited to minimum lot frontage and area, front and rear yard setback, building height, minimum dwelling unit area and density pertaining to the number of dwelling units per lot on the subject lands. A 20 metre minimum water setback will be implemented for habitable buildings in order to increase the separation to the shoreline where water infiltration may occur. In addition, a 15 m shoreline buffer area will be enhanced with a planting plan and will be zoned as Environmental Protection which will also permit recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access. Based on comments received regarding the previously submitted Phase One and Phase Two ESAs, it is recommended that a Holding (H) Provision be applied which requires further updates to the ESAs and any required site remediation in order to file a Record of Site Condition, prior to any development. The Holding symbol would also be applied to the entire subject lands to ensure that a secured site plan agreement is executed and to apply for a deeming by-law, if required, to ensure the lands are merged into one land parcel.

Other Alternatives Considered:

No other alternatives other than the previous proposal have been considered. Furthermore, as a result of the required conveyance of land to the City to accommodate an engineering requirement for an off-set turn around on West Street North, a revised Draft Concept Plan has been provided (see Appendix ‘B’), which depending on the final design details may result in one fewer waterfront

townhouse unit. An additional apartment unit could be added to maintain the overall 86 dwelling unit count and this does not significantly alter the scope or intent of the proposed development.

Financial/Operation Impacts:

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

Relationship of Recommendations To The 2020 - 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

These applications align with the Vibrant and Growing Economy priority by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes. They align with the Healthy Environment priority by ensuring protection of municipal drinking water sources, and promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible and an environmental protected re-vegetated shoreline buffer area with enhanced plantings to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The revised Functional Servicing Report, which has been reviewed by Engineering indicates that the subject lands can be serviced utilizing existing water and sanitary services on West Street North.

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 revised application. A Public Meeting for the original applications was held on March 6,

2019 and a subsequent Public Meeting for the revised applications was held October 9, 2019. To date, we have received the following comments:

Public Comments (Original Proposal):

At the time of writing the March 6, 2019 PAC report, two public comments were received. The residents at 4 Oriole Road are opposed to the applications as they do not believe that Cameron Lake can support high density development with a four storey apartment building with inadequate sewer infrastructure and it does not fit in their community of single detached dwellings and cottages. They are in favour of lower density single detached dwellings. Another resident who called in and lives a block away from Bass Street along CKL Road 8 was inquiring where the existing municipal water and sewer service connections are for the proposed development and if the City would consider extending services further west.

Prior to the Public Meeting on March 6, 2019, comments were received from the two residents on King Street who advised the proposal would change the character of the neighbourhood, lower property values and make area less desirable, increase water consumption and waste, change zoning by-laws, increase traffic congestion, noise as well as lighting and lead to loss of privacy.

At the Public Meeting, W. Flett, adjacent property owner at 4 Bass Street, expressed concern regarding the potential proximity of the entrance to the development to her property line and how the values of the new units will affect other property values in the area. Ms. Flett expressed an interest in sewer connectivity for her residential property with services being extended to the new development.

D. Branidis, resident at 24 West Street, advised that her home is on the street directly across from the proposed development. She expressed concern regarding the effect the additional 64 units will have on the character of the neighbourhood, traffic congestion, property taxes, safety of children and impact on the small waterway nearby. Ms. Branidis noted that the area is a quiet family-oriented area and in her opinion only single houses should be permitted. She stated that the proposed development will infringe on her peace and privacy.

V. Moulder, a resident of Bobcaygeon who was with Ms. Flett, requested that a social impact study be done prior to approval of the land zoning change with an opportunity for public input. She expressed concern regarding traffic, transportation and the overall impact of the proposed development on the existing residents in the area.

Public Comments (Revised Proposal):

As of the time of writing the October 9, 2019 PAC report, a resident at 4 Oriole Road inquired as to the process to provide written comments and concerns regarding the revised applications to be considered by the Planning Advisory Committee. A resident at 24 King Street requested clarification if Building 'B' was

a five or six storey apartment and whether it would overlook his property. An email from a resident at 7 West Street North, who was also defending the interests of neighbouring residents at 5, 8 and 9 West Street North was concerned regarding the scale of the proposed development, requirements for upgrading water and sewer servicing, timelines of construction, requirements for sidewalks, increased traffic and that there was only one access off of West Street North.

Subsequent to the writing of the report, additional comments with various concerns relating to building height, increased number of dwelling units including proximity of townhomes adjacent to the waterfront, traffic, site access, construction noise, existing site hazards, environmental impact on lake, lake access, and water/sewer capacity were received from members of the public from 66 West Street North, 35 King Street, 7 West Street North, 12 Oriole Road, 4 Oriole Road and 8 Bass Street.

At the Public Meeting, D. Strasbourg of 68 West Street North, who also owns 56 West Street North, spoke against the proposal stating that over 250 people could live in this development, and that this would be too many for the dead end of West Street North. He identified other possible locations that this development could be built, and questioned whether this application was already a foregone conclusion based off of the amount of money spent by this corporation.

D. Gospodaric of 12 Oriole Road noted that she was more supportive with the original proposal, stating that the increase of density will change Fenelon Falls. She stated that traffic is already backed up in Fenelon Falls, and questioned what the developer might give back to the community, whether it be developing parks, or upgrading roads and services. In conclusion she recommended scaling back the development.

B. Ward of 16 West Street North spoke in support of the development, and noted the various uses of the land over the past 63 years. He stated even though his property is directly across from the proposed entrance to the development, that moving forward with the proposal is a positive thing.

J. Laffin of 8 Bass Street presented noise concerns about the potential for blasting into the bedrock to create the foundations for the buildings.

Agency Review Comments (To be addressed with Revised Proposal):

On February 6, 2019, the Ministry of the Environment, Conservation and Parks (MECP) advised that a Record of Site Condition (RSC) was submitted in 2014 but never filed as a number of outstanding issues remain to be resolved. Furthermore, the Phase I and Phase II Environmental Site Assessment Studies submitted in support of the subject applications are out of date and in addition to addressing deficiencies in the said studies, more scoped work may need to be undertaken in order to bring the Phase I and Phase II studies into conformity with the Regulations.

Agency Review Comments (Revised Proposal):

On September 19, 2019, the Building Division advised they have no concerns with these applications and will reserve further comment to site plan circulation.

On September 25, 2019, Enbridge Gas Inc. advised they do not object to the proposed applications and reserve the right to amend their development conditions.

On September 30, 2019, the Community Services Department advised that they have no comments or concerns.

On October 8, 2019, the Ministry of Environment, Conservation and Parks (MECP) advised they recommend a 30 metre setback to Cameron Lake to provide a higher level of water quality protection.

On October 9, 2019, Curve Lake First Nation inquired if an Archaeological Assessment was conducted. Staff provided copies of the Assessments.

On October 10, 2019, Alderville First Nation advised they have no interest in the applications as they are not part of the Treaty 20 area.

On October 16, 2019, Parks Canada – Trent Severn Waterway advised of no issues with the application. Should the owner wish to undertake any shoreline or in-water works at this location, an approved permit would be required prior to commencement of any work.

On October 24, 2019, the Engineering & Corporate Assets Department advised that lands will be required from the developer to be conveyed to the City, sufficient in size to accommodate an off-site turn around at the north end of West Street North, as per the City's road infrastructure guidelines. In addition, comments were provided regarding the Traffic Impact Study (TIS) requiring additional information and assessment pertaining to the existing West Street North with respect to pavement width and condition and traffic counts and neighbour concerns. As the stormwater infrastructure shown in the municipal right-of-way only serves private property, it was recommended that it be wholly installed on private property. Various comments were also provided to be addressed at the Site Plan stage and included requirements pertaining to separate servicing connections to separate buildings, servicing for the proposed clubhouse, a cost estimate, requirements for separate water service for fire flow, requirements for spatial separation between different service types and sanitary servicing inspection location. Other requirements pertained to stormwater management and lot grading including location of private stormwater infrastructure, identification of overland flows and confirmation of a drainage ditch along Bass Street, and additional information in relation to the use and function of the proposed permeable pavers and location(s) of enhanced grass swale quality control features.

On November 25, 2019, the Kawartha Region Conservation Authority (KRCA) advised that site alteration and/or development within their regulated area will require a permit subject to Ontario Regulation 182/06. With respect to the Environmental Impact Statement, KRCA was not supportive of a setback reduction from 30 metres to 15 metres of the high water mark of Cameron Lake and advised that one way of addressing this would see the riparian areas adjacent to the lake were significantly enhanced, for example by planting numerous mature trees and shrubs. This should be demonstrated in a planting/landscaping plan. In addition, KRCA was looking for more details pertaining to proposed Low Impact Development (LID), previous uses and existing vegetation within the 15 metre buffer pertaining to their review of the Functional Servicing Report.

Subsequent Agency Review Comments (To Applicant's Response to Previous Agency Review Comments):

On January 27, 2020, the Engineering & Corporate Assets Department advised they will require lands from the Owner to be conveyed to the City, to accommodate an anticipated off-set turning basin at the north end of West Street North. The turning basin must be designed within the existing City right of way and additional lands to be conveyed by the Owner. In addition, there was a discrepancy with the Traffic Impact Study indicating the Owner will not be completing sidewalk within the West Street right of way and the Engineering design indicates a 2.0 m sidewalk along the frontage of the property, whereas a 1.5 metre wide sidewalk is the standard for a 20 metre right of way, and is required to be installed by the Owner, along the Owner's frontage on West Street North. Previous comments provided on October 24, 2019 regarding the site plan submission remain current and will be addressed through the Site Plan process.

On February 4, 2020, the Ministry of the Environment, Conservation and Parks recommends a minimum 30 metre setback from the highwater mark of permanent surface water bodies be maintained, protected and in cases where impacts have already occurred, be rehabilitated. This development is of a density and scale that a 30 m setback at a minimum should be required to afford the appropriate protection to Cameron Lake. This is in addition to the stormwater and shoreline restoration work as proposed within 15 m of the highwater mark. As presented this ministry are not supportive of this Official Plan Amendment and the Township of Fenelon Zoning By-Law No 12-95 with respect to the reduction in setback provisions and requested to be keep apprised of any decision. They also recommended further consultation with the Ministry of Natural Resources and Forestry (MNR), who recommended further consultation with the Department of Fisheries and Oceans (DFO).

On February 20, 2020, KRCA further advised that the response letter and restoration plan prepared by RiverStone Environmental Solutions Inc. satisfies the natural heritage policies of the PPS, subject to the the walking path being removed/relocated outside of the 15 metre buffer and the vertical "access to shore" pathways be consolidated into one single access path, and reconfigured

in such as manner as to occupy the least length/area in the buffer. Furthermore, remediation of the active violation identified in the November 25, 2019 response would include a shoreline revegetation plan including a list of species to be planted, the proposed pathways in the restoration plan be consolidated into one, an erosion/sediment control plan, a restoration monitoring plan and a site plan outlining all of the above changes to be made. KRCA advised they would have no objection to the approval of the applications provided the above comments regarding restoration of the shoreline are implemented and the 15 metre buffer be placed in protective zoning/designation to protect the feature in perpetuity.

On April 2, 2020, the MECP Species at Risk (SAR) Branch advised that even though there is potential habitat for certain species of bats to be present on and adjacent to the site, the activities appear to only impact a small area of the Treed Fencerow, leaving potential natural suitable habitat available for bats to use once the development is completed. The installation of artificial roosting structures will also provide more roosting habitat opportunities. It is their opinion that the development proposal, as described in the EIS, is not likely to contravene Section 10 (habitat protection) of the Endangered Species Act (ESA). The active season for bats is considered to be from April 1st to September 30th therefore to avoid harming, harassing or killing bats, clearing should occur from October 1st to March 31st as opposed to October 1st to May 1st as indicated in the EIS.

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 revised applications for Official Plan Amendment and Zoning By-law Amendment conform to the Growth Plan and are consistent with the Provincial Policy Statement. Staff has also further reviewed the applicable policies of the Official Plan and in this regard, Staff support a minimum water setback of 20 metres for habitable buildings allowing a minimum 15 metre water setback for uncovered decks, balconies, recreational structures (e.g., outdoor furniture), to be implemented through the amending zoning by-law. This increased setback for habitable buildings will provide further protection for the protection of water quality and together with the re-vegetated shoreline through the implementation of a planting plan to be addressed at the site plan approval stage, will also provide enhanced protection for natural heritage features.

We have been advised by the Species at Risk (SAR) of the MECP that that the development proposal, as described in the EIS, is not likely to contravene Section 10 (habitat protection) of the Endangered Species Act (ESA) and specific tree clearing times were provided. This can be addressed through the Site Plan Agreement or the special permission may be sought from MECP outside of these times.

The Holding (H) provision on the zoning by-law amendment is being recommended to require the filing of a Record of Site Condition as the majority of the subject property is a brownfield site and the residential development proposal

is a more sensitive use and the execution of a site plan agreement to be registered on title as well as a requirement to obtain a deeming by-law if required to ensure the waterfront parcel can be consolidated with the balance of the land.

A number of design elements can be addressed at the site plan approval stage, including but not limited to parking areas and driveways, amenity spaces, pathways and sidewalks, landscaping, buffer areas and fencing, garbage collection and lighting and shoreline buffer area enhancement and planting plan.

The KRCA is now satisfied with the 15 metre shoreline buffer, which will be designated and zoned environmental protection together with an enhanced planting plan to be implemented through the site plan approval process.

Consultation was made with the Ministry of Natural Resources and Forestry (MNRF) who recommended consultation with the Department of Fisheries and Oceans (DFO). The DFO advised that if the project is not within fish habitat, is listed under the exempted waterbody types or falls within the standards and codes of practice, which has been confirmed through the applicant's environmental consultant, the proposal will not require a review and therefore will not be an issue.

The MECP comments regarding the 30 metre water setback has been evaluated as well as comments provided by the proponent's consultant in this regard. Staff note that the MECP did not appear to conduct a site visit to assess the local conditions. Staff are of the opinion that the comments provided by MECP are considered best management practices where the guidelines provided for development are best suited for at capacity lakes without available municipal servicing. The MECP did not provide reference to legislation specifying a water setback requirement in provincial policies and Staff are of the opinion that a reduced water setback can be accommodated with the implementation of a shoreline planting restoration plan and other stormwater management measure to protect the environmental integrity, water quality and natural heritage features.

The majority of the public concerns relate to building height, increased number of dwelling units including proximity of townhomes adjacent to the waterfront, environmental impact on lake, traffic, site access, construction noise, existing site hazards and water/sewer capacity.

In response, the applicant has submitted a shadow study that demonstrates the buildings will not have significant impact on adjacent properties as well as an addendum update to the Planning Justification Report that provides a comparative analysis in the context of massing, density and neighbourhood character. The update compared the shoreline townhomes, in-land townhomes and apartment buildings to surrounding and/or comparative local developments and determined that visual impacts associated with the percentage of built-up area, building coverage, height and distance between structures and the shoreline or road are consistent with or better than neighbouring properties or

comparative sites, considering augmented shoreline restoration, architectural design, landscape buffers and fencing and green space.

In response to size and density concerns in relation to the proximity of the proposed development to the water, the applicant has submitted a stormwater management plan and Environmental Impact Study with a shoreline planting restoration plan to mitigate any negative environmental impacts to water quality or natural heritage features, including to Species at Risk, which can be addressed through adequate stormwater control measures, including low-impact development, a vegetated shoreline buffer and respecting specific timelines for tree cutting.

In response to traffic, a Traffic Impact Study including revised updates concluded that the proposed development will not cause any operation issues and will not add significant delay or congestion to the local road network and indicates there is significant excess capacity in the existing road network and acceptable cross-section to accommodate anticipated future traffic volumes.

With respect to site access, there will only be one main access through West Street North, while the Bass Street entrance is designed for emergency access only.

With respect to noise impacts from blasting, we have been advised that there will be no sub-grade development during the construction phase and therefore no blasting will be required.

In response to existing site hazards and environmental impact, the applicant has submitted a Phase I and II Environmental Site Assessment and any additional required scoped work will need to be completed in accordance with the regulations to file a Record of Site Condition.

Finally, the applicant has submitted a Functional Servicing Report which indicates there is municipal water and sewer available along West Street North with sufficient capacity to serve the proposed development.

Conclusion:

Staff supports the applications for Official Plan Amendment and Zoning By-law Amendment based on the information contained in this report and the comments received. Staff respectfully recommends that the applications 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'
PLAN2020-016.pdf



Appendix 'B'
PLAN2020-016.pdf



Appendix 'C'
PLAN2020-016.pdf



Appendix 'D'
PLAN2020-016.pdf

Appendix 'A' – Location Map
Appendix 'B' – Proposed Revised Concept Draft Plan
Appendix 'C' – Draft Official Plan Amendment
Appendix 'D' – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

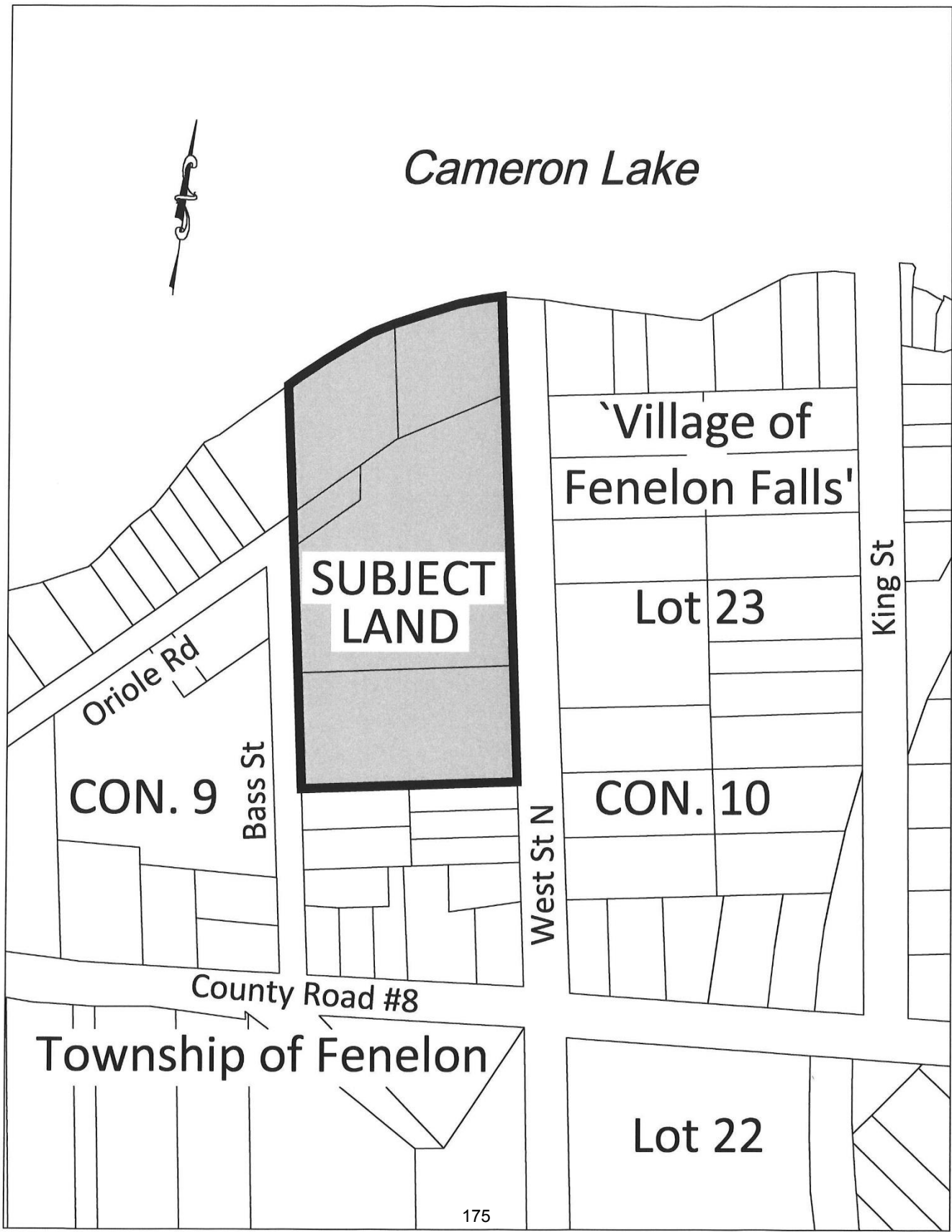
Department File: D01-2018-006 and D06-2018-028

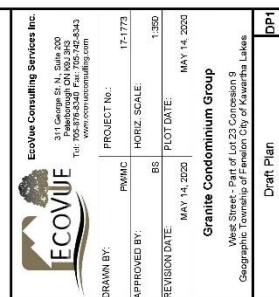
to

REPORT PLAN2020-016

FILE NO: D01-2018-006

D06-2018-028





The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2020-016

FILE NO: D01-2018-006

D06-2018-028

By-Law 2020 -

A By-Law to Amend the City of Kawartha Lakes Official Plan to Redesignate Land within the City of Kawartha Lakes

File D01-2018-006, Report PLAN2019-057 and PLAN2020-016, respecting Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, 19 (and formerly 39) and 67 West Street North – Muskoka D&M Corp.

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 a revised application to amend the City of Kawartha Lakes Official Plan to include a Special Policy which amends the applicable requirements of the “Urban Settlement” – Fenelon Falls Fringe Area” land use designation under Section 18.10, to facilitate higher density development of the property now known municipally as 19 and 67 West Street North. In addition, an Environmental Protection Special Provision designation will protect the 15 metre shoreline buffer area, which will only permit limited recreational use and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access along with being enhanced with a buffer planting plan consisting of natural native vegetation to be implemented through a site plan agreement to protect the buffer area in perpetuity.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 32.

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 subject property affected by this By-law is described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, now in the City of Kawartha Lakes, which is part of the property now municipally known as 19 and 67 West Street North.
- 1.02 **Amendment:** Amendment No. 32 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. 32 To The Official Plan - The City of Kawartha Lakes

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the “Urban Settlement – Fenelon Falls Fringe Area” land use designation in the City of Kawartha Lakes Official Plan to include a Special Policy to permit a higher density residential development in the form of townhouse and apartment dwelling units. In addition, an Environmental Protection designation is being added to provide protection for the 15 metre shoreline buffer. The land is also subject to an application for zoning by-law amendment.

The effect of the change is to permit a residential condominium development consisting of 7 townhouse blocks and two five-storey apartment buildings with 4 residential floors and at grade parking below for a total of 86 dwelling units with an overall density of 44 dwelling units per gross hectare together with landscaped areas, private amenity areas and an internal road providing access to parking facilities and provide protection to the 15 metre shoreline area with a natural native vegetated buffer to be implemented through the site plan approval process with a planting plan.

B. Location

The subject land has a lot area of approximately 1.988 ha (4.913 ac.) and is situated on the boundary of the former Village of Fenelon Falls and is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) and includes waterfront property on Cameron Lake. The property is legally described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes and identified as 19 and 67 West Street North.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by EcoVue Consulting Services Inc. on behalf of the owner to permit the residential condominium development of the subject land. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to permit residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare. A minimum water setback of 15 metres will apply for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback is required for habitable buildings. In addition, the 15 metre shoreline buffer will have an Environmental Protection designation.

The land is designated “Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment to permit the residential uses and establish appropriate zone provisions for the proposed development through an implementing zoning by-law amendment.

The development will be subject to site plan approval to further define the details of the development such as parking areas and driveways, amenity spaces, pathways and sidewalks, landscaping, buffer areas and fencing, garbage collection and lighting and shoreline buffer area enhancement plantings.

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

1. The proposed use conforms with the relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The inclusion of a Special Policies to permit the residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare and the inclusion of a 15 metre Environmental Protection designation along the shoreline with specific water setback requirements is deemed to conform to the intent of the goals and objectives of the City of Kawartha Lakes Official Plan, as amended.
3. The proposed use is appropriate for the subject property, and will be compatible with established land uses and development in the area. The 15 metre shoreline buffer area will be re-designated as Environmental Protection with special provisions to protect natural heritage features and will be enhanced with a buffer planting plan consisting of natural native vegetation which will be refined and implemented through the site plan approval process to the satisfaction of the City and the Kawartha Region Conservation Authority.
4. The applicant has submitted background reports 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 constitutes Amendment No. 32 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. Section 18.10 - “Urban Settlement” – Fenelon Falls Fringe Area
Designation of the Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

18.10 SPECIAL PROVISIONS:

- “18.10.2. Notwithstanding the “Urban Settlement” – Fenelon Falls Fringe Area policies of Section 18.10 of this Plan to the contrary, on the subject land known municipally as 19 and 67 West Street North and described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, a residential development in the form of townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare is permitted.

Notwithstanding the policies identified within Section 3.11, a 15-metre water setback will be permitted for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback will be required for habitable buildings. Specific provisions related to above are to be outlined in the implementing zoning by-law.”

17.8 SPECIAL PROVISIONS:

- “17.8.2 On land designated Environmental Protection on the subject land known municipally as 19 and 67 West Street North and described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, in addition to a natural native vegetated buffer to be implemented with a planting plan, recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted. Specific provisions related to above are to be outlined in the implementing zoning by-law.”

2. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that a portion of the subject land that is designated Urban Settlement – Fenelon Falls Fringe Area is subject to Policy Provision 18.10.2 of the Official Plan, as shown on Map ‘A’.
3. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by changing the land use designation on a portion of the subject land from the Urban Settlement – Fenelon Falls Fringe Area to

Environmental Protection which is subject to Special Policy Provision 17.8.2 of the Official Plan, as shown on Map 'A' as 'Land to Be Re-Designated Environmental Protection'.

F. Implementation and Interpretation

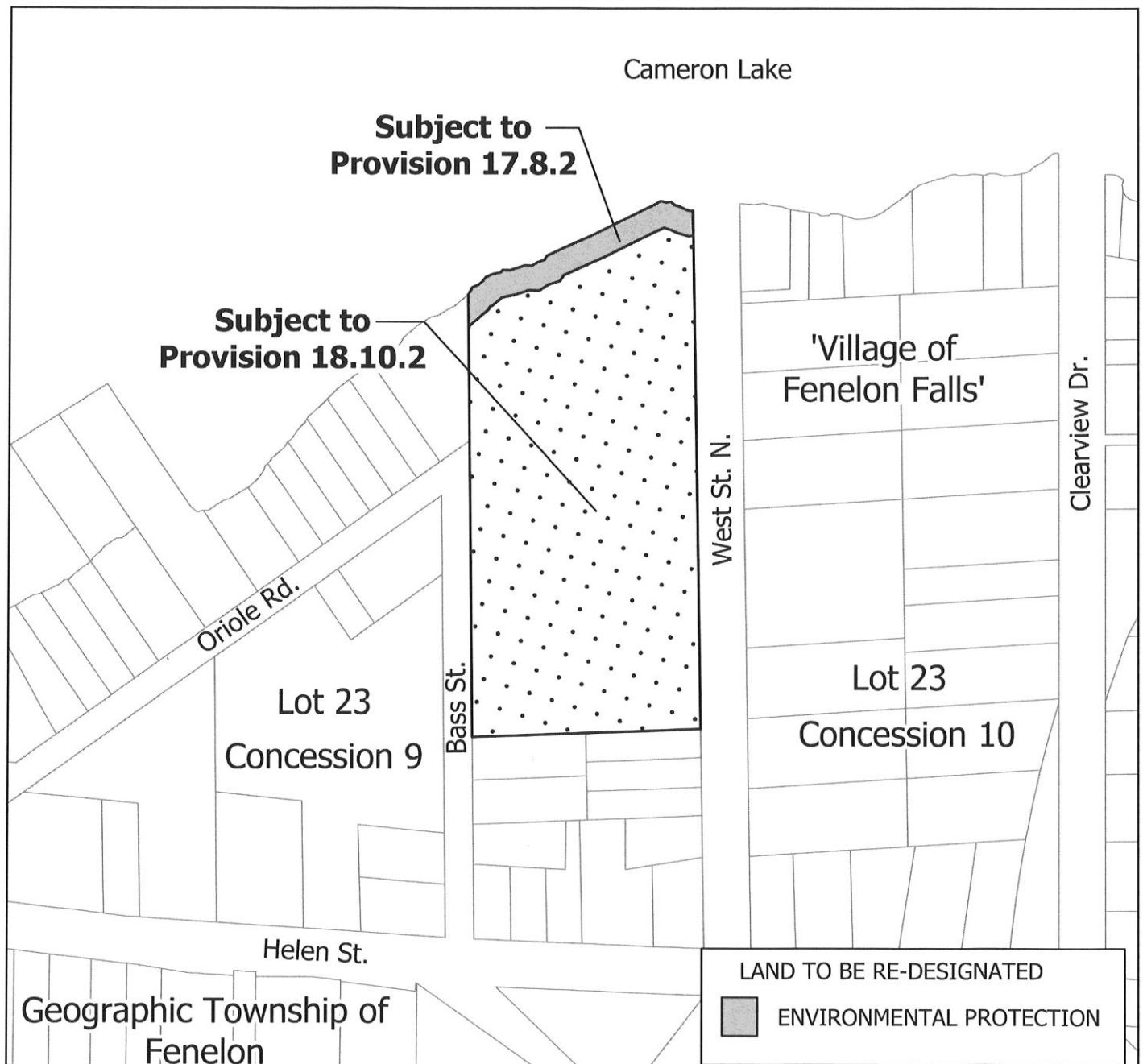
The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 32

To the City of Kawartha Lakes Official Plan



REPORT PLAN2020-016

FILE NO: D01-2018-006

D06-2018-028

24.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Multiple Residential (RM) Zone, except for the following uses:

24.1.1.1 Townhouse Dwelling

24.1.1.2 Apartment Dwelling

24.1.1.3 Home Occupation

24.1.1.4 Accessory Uses, including private clubhouse with swimming pool

24.2 ZONE PROVISIONS

24.2.1 Notwithstanding any other provisions of this By-law to the contrary, the maximum number of dwelling units, minimum lot area requirement, minimum lot frontage requirement, minimum yard requirements, maximum lot coverage, minimum landscape open space, parking area requirements and notwithstanding those provisions regulating the maximum lot coverage and number of accessory buildings and structures as set forth under Section 3.1.3, to the contrary and all other regulatory provisions set forth under this subsection shall be determined on the basis of the entire area of those lands zoned within the Multiple Residential (RM) Zone including the area of the Environmental Protection Exception Eight (EP-8) Zone as if the lands were held under one ownership. No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Multiple (RM) Zone, except in conformity with the following zone provisions:

24.2.1.1	Minimum Lot Area (per dwelling unit)	228 square metres
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24.2.1.2	Minimum Lot Frontage (Bass Street)	122 metres
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24.2.1.3	Yard Requirements (min.)	
(a)	front (West St. N. - townhouse dwellings)	3.5 m
(b)	front (West St. N. - apartment dwellings)	7.8 m
(c)	interior side (south)	9.5 m
(d)	rear (Bass Street - townhouse dwellings)	3.0 m
(e)	rear (Bass Street - apartment dwellings)	9.0 m
(f)	water setback (min.)	15 m
(g)	water setback (min.) for habitable buildings	20 m

24.2.1.4	Lot Coverage (max. - all buildings and structures)	35 %
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24.2.1.5	Building Height (max.)	
(a)	apartment dwellings	16.5 m
(b)	townhouse dwellings	11 m

24.2.1.6	Gross Floor Area (min. per dwelling unit) (a) apartment dwellings (b) townhouse dwellings	90 sq. m. 100 sq. m
24.2.1.7	Minimum Landscape Open Space	35%
24.2.1.8	Density (max. dwelling units per lot)	86
24.2.1.9	Maximum number of condominium Apartment Dwelling buildings	2
24.2.1.10	Maximum number of condominium Townhouse Dwelling blocks	7
24.2.1.11	Maximum number of Townhouse units	26
24.2.1.12	Minimum driveway length to private road	6 m
24.2.1.13	Notwithstanding subsection 3.1.4.1 (c), balconies, canopies, unenclosed porches or decks and steps for waterfront townhouse units may project into a yard with a minimum water setback of 15 metres and subsection 3.1.2.3 does not apply	
24.2.1.14	Notwithstanding subsection 3.14.1.5, a minimum parking stall length of 5.7 metres on land zoned 'RM' is permitted.	
24.2.1.15	Notwithstanding subsections 3.18.1.1 and 3.13.1, the minimum setback to the Environmental Protection Exception Eight (EP-8) Zone shall be 5 metres for habitable buildings and 0 metres for non-habitable accessory structures and the EP-8 zone boundary shall not be considered a lot line for interpreting the provisions of this by-law.	
24.2.1.16	Notwithstanding Part 2 – Definitions for Lot Line, Front and Section 3.18.3 with respect to Through Lots, the front lot line will be considered as West Street North.	
24.2.1.17	Notwithstanding the provisions of Section 3.6 to the contrary, no provision of this By-law shall apply to prevent the erection of a building or structure permitted within the Multiple Residential (RM) Zone where access is provided by means of a private road which provides direct access to an improved public street or road maintained year round.	
24.2.1.18	On land zoned RM, the removal of the (H) holding symbol shall be in accordance with the following:	

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements.
- iii) The owner shall apply for and obtain a deeming by-law, if required to consolidate the shoreline lands with the balance of the subject land.”

1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Part 5:

“5.3.8 ENVIRONMENTAL PROTECTION EXCEPTION EIGHT(EP-8) ZONE

Notwithstanding the permitted uses in Section 5.1 and 5.2, on land zoned EP-8, a natural native vegetated buffer is to be provided with a planting plan to the satisfaction of Kawartha Conservation and recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted.

On land zoned EP-8, the removal of the (H) holding symbol shall be in accordance with the following:

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements, if required.”

1.04 **Schedule Amendment:** Schedule ‘G’ to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the “Future Residential Development (FRD) Zone” and “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Multiple Residential (RM) (H) Zone” and to change the zone category from the “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Environmental Protection Exception Eight (EP-8)(H) Zone” for the land referred to as ‘RM (H)’ and ‘EP-8 (H)’, 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

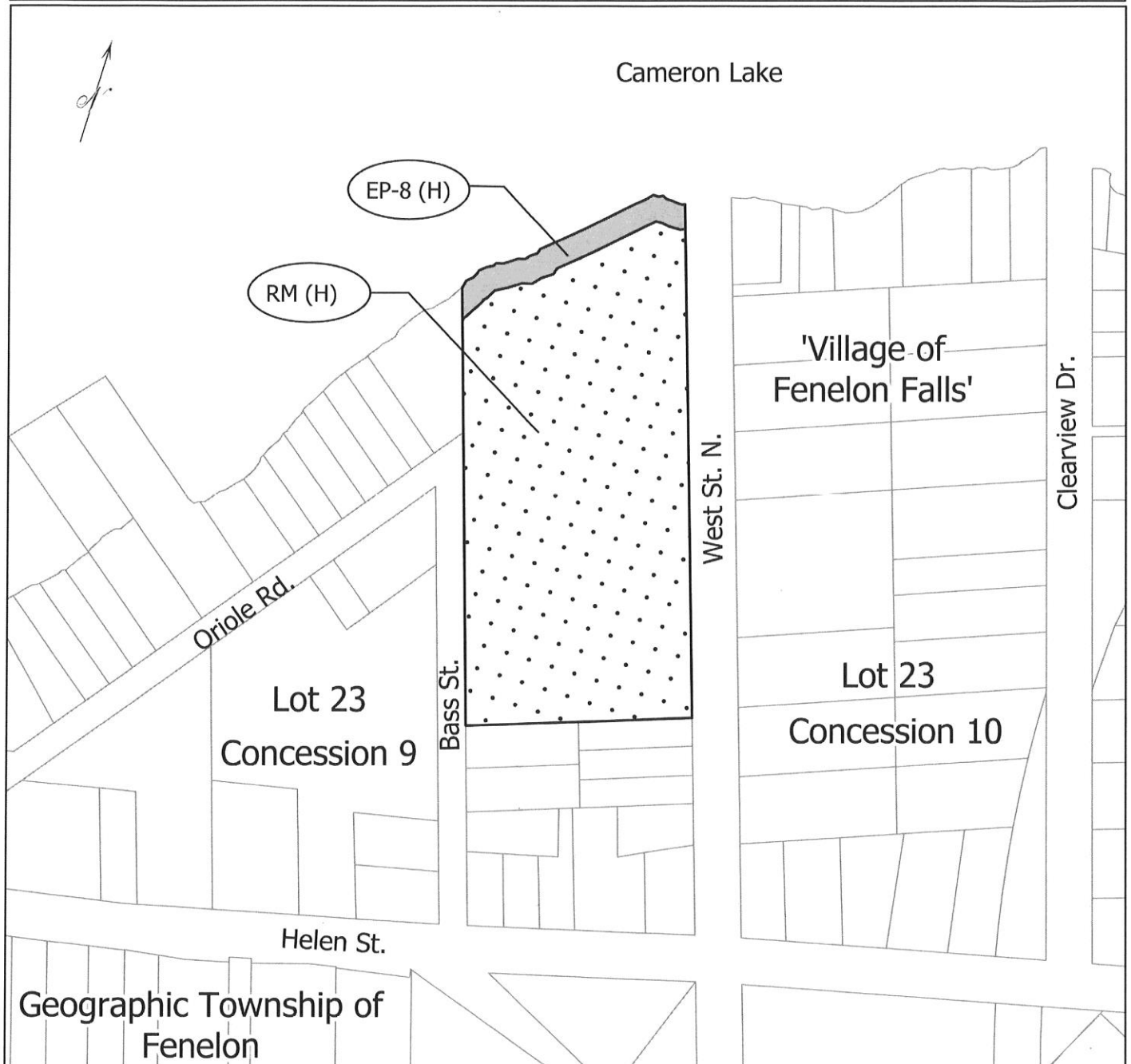
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-019

Meeting Date: May 26, 2020

Title: Request by Aspire Sturgeon Developments Inc. to enter into an Amending Subdivision Agreement for Plan of Subdivision 638, File No. D05-35-010, Islandview Estates Subdivision

Description: Part of Lot 13, Concession 2 and Part of Lots 13 and 14, Concession 3, geographic Township of Verulam, now City of Kawartha Lakes

Ward Number: 3

Author and Title: Richard Holy, Manager of Planning

Recommendations:

That Report PLAN2020-019, **Islandview Estates Amending Subdivision Agreement**, be received;

That the Amending Subdivision Agreement for Islandview Estates, City of Kawartha Lakes, substantially in the form attached as Appendix “C” to Report PLAN2020-019 be approved by Council;

That the reduction of securities be considered once the completed works have been confirmed by Staff; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The approval and subdivision agreement for the development dates back to 1992. The subdivision consists of 29 lots, three open space blocks, and one block to be used for communal water access with allowance for a dock to be constructed subject to Trent-Severn Waterway approvals. The subdivision road network, ditching and utilities were initially constructed but never finished and the subdivision has never been assumed. Two dwellings were constructed many years ago but have since fallen into disrepair.

The waterfront portion of the property is part of a Provincially Significant Wetland complex. The City in conjunction with Kawartha Conservation and Department of Fisheries and Oceans took action against a previous owner for illegal site alteration activity within the environmentally protected portion of the property. The matter was never remedied through a restoration plan approved by Kawartha Conservation in 2010; however, KRCA acknowledges that the property has rehabilitated sufficiently that a restoration plan is no longer warranted.

The property was also the subject of litigation between a former owner and the City on the basis that the City did not act in an expeditious manner to allow the owner to develop the subdivision. The case against the City was dismissed as the owner failed to prove any damages caused by the City's actions.

Last year, Aspire Sturgeon Developments Inc. (ASDI) purchased 23 of the lots, including both partially finished houses, and proposes to rectify the subdivision deficiencies and develop the lots that it owns. The deficiencies include general ditch restoration, repairing and finishing the existing roads, repairing and completing the street lighting network, and completing the hydro deficiencies. Securities in the amount of \$140,000.00 will be posted by ASDI to rectify these deficiencies. Technically, ASDI will rectify the deficiencies for the entire subdivision, which also benefits the lots not under ASDI ownership.

They have also purchased the waterfront access block and have obtained approvals from Trent-Severn Waterway to construct a dock. Access to this block will be limited to the future owners of lots that ASDI currently owns.

Rationale:

The original subdivision agreement required the owner to place all of the open space blocks into communal ownership for all lot owners. This was never completed and eventually all of these blocks fell into separate private ownership. ASDI has indicated that they have attempted to purchase all of the open space blocks but have only been successful in purchasing the water access block. In order to move ahead with the development, the ASDI requires some relief from certain provisions in the agreement being:

1. Provisions of the agreement that require the developer to place all open space blocks into common ownership; and

2. A performance standard limiting the size of a pick-up truck that can be parked on any lot to a ¾ ton vehicle.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe (Growth Plan):

As this land is designated for residential development in the City of Kawartha Lakes Official Plan, this Amending Subdivision Agreement conforms to the 2019 Growth Plan.

Provincial Policy Statement (PPS):

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan, this Amending Subdivision Agreement are consistent with the 2020 Provincial Policy Statement.

Official Plan Conformity:

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan. This Amending Subdivision Agreement conforms to the policies and designations in both the City of Kawartha Lakes Official Plan.

Zoning By-law Compliance:

The residential lots are zoned “Rural Residential Type One (R1) Zone”. The open space blocks are zoned “Open Space Exception One (OS-1) Zone”, which requires these lands to be maintained as a nature reserve in a natural state with no dredging or filling permitted. The water access block is zoned “Open Space Exception Two (OS-2) Zone” and shall also contain a small 6 space parking lot at least 30 metres from the high water mark. The water lot area is zoned “Open Space Exception Three (OS-3) Zone” and permits a floating style docking during the boating season. The existing subdivision layout contained in the Subdivision Agreement and proposed Amending Subdivision Agreement both comply with the relevant provisions of the Township of Verulam Zoning By-law 6-87.

Other Alternatives Considered:

No other alternatives have been considered as this Amending Subdivision Agreement conforms to the Provincial Policies, City of Kawartha Lakes Official Plan, and Township of Verulam Zoning By-law 6-87.

Financial/Operation Impacts:

The draft Amending Subdivision Agreement requires the owner to rectify all outstanding subdivision deficiencies and post \$140,000.00 in securities for performance of the works. This will allow ASDI to complete the deficiencies and proceed with the development.

The original Subdivision Agreement required the developer to pay a lump sum of \$7,000.00 in lot levies. The Amending Subdivision Agreement requires ASDI to pay the difference between that charge and the City's current Development Charge fees.

Relationship of Recommendations to the 2020 – 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

The proposed Amending Subdivision Agreement aligns with these strategic priorities by providing an ability for ASDI to develop the subdivision. This provides economic opportunities for local contractors, an exceptional quality of life for new residents of the development, and continues to protect the environment.

Review of Accessibility Implications of Any Development or Policy:

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

Servicing Implications:

The lots will be serviced through individual well and septic systems. Stormwater management will be handled through existing roadside ditches.

Consultations:

City Solicitor
Director of Engineering and Corporate Assets
Kawartha Conservation – Ron Warne
Trent-Severn Waterway – Beth McEachern

Development Services – Planning Division Comments:

The proposed Amending Subdivision Agreement would implement the following matters.

1. It proposes to eliminate the requirement for ASDI to transfer all open space blocks into common ownership. With all of the open space blocks

- now in separate private ownership, it could be impossible for any developer to reasonably assemble these lands for common ownership. The existing zoning regulates and limits the use of these open space blocks. Therefore, staff no longer feel that this is necessary and recommend that the provision be removed.
2. The original Subdivision Agreement required the owner to register a restrictive covenant on title limiting the overnight parking of a pick-up truck larger than a $\frac{3}{4}$ ton or a commercial vehicle on any lot. Staff feel that this requirement is no longer necessary and should be regulated through the existing Zoning By-law.
 3. The Amending Subdivision Agreement would require ASDI to register a vacant land plan of condominium and agreement over the water access and water lot in favour of the lots owned by ASDI. This would ensure that the ownership and maintenance of these two blocks be guaranteed in perpetuity for the owners purchasing lots from ASDI. Should other lot owners wish to join the condominium corporation, they would be able to do so in the future.

Staff recognize that this Amending Subdivision Agreement doesn't cover all of the lots within this subdivision. Dealing with all landowners could have resulted in protracted discussions. In order to allow ASDI to move forward with their plans, it was determined that the Amending Subdivision Agreement should only deal with the lands owned by ASDI as they have agreed to deal with all of the subdivision deficiencies. Should other lot owners wish to come forward to request similar amendments, staff would similarly offer the same amending agreement.

Conclusions:

City staff has completed their review of the proposal and endorses the proposed Amending Subdivision Agreement and endorses Appendix "C". We support the recommendations set out in this Report PLAN2020-019 and respectfully recommend that the matter be APPROVED by Council.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Richard Holy, Manager of Planning at 705-324-9411 x 1246.

Appendix "A" – Location Map



PLAN2020-019 -
Appendix A.pdf

Appendix “B” – Draft M-Plan



PLAN2020-019 -
Appendix B.pdf

Appendix “C” – Draft Subdivision Agreement



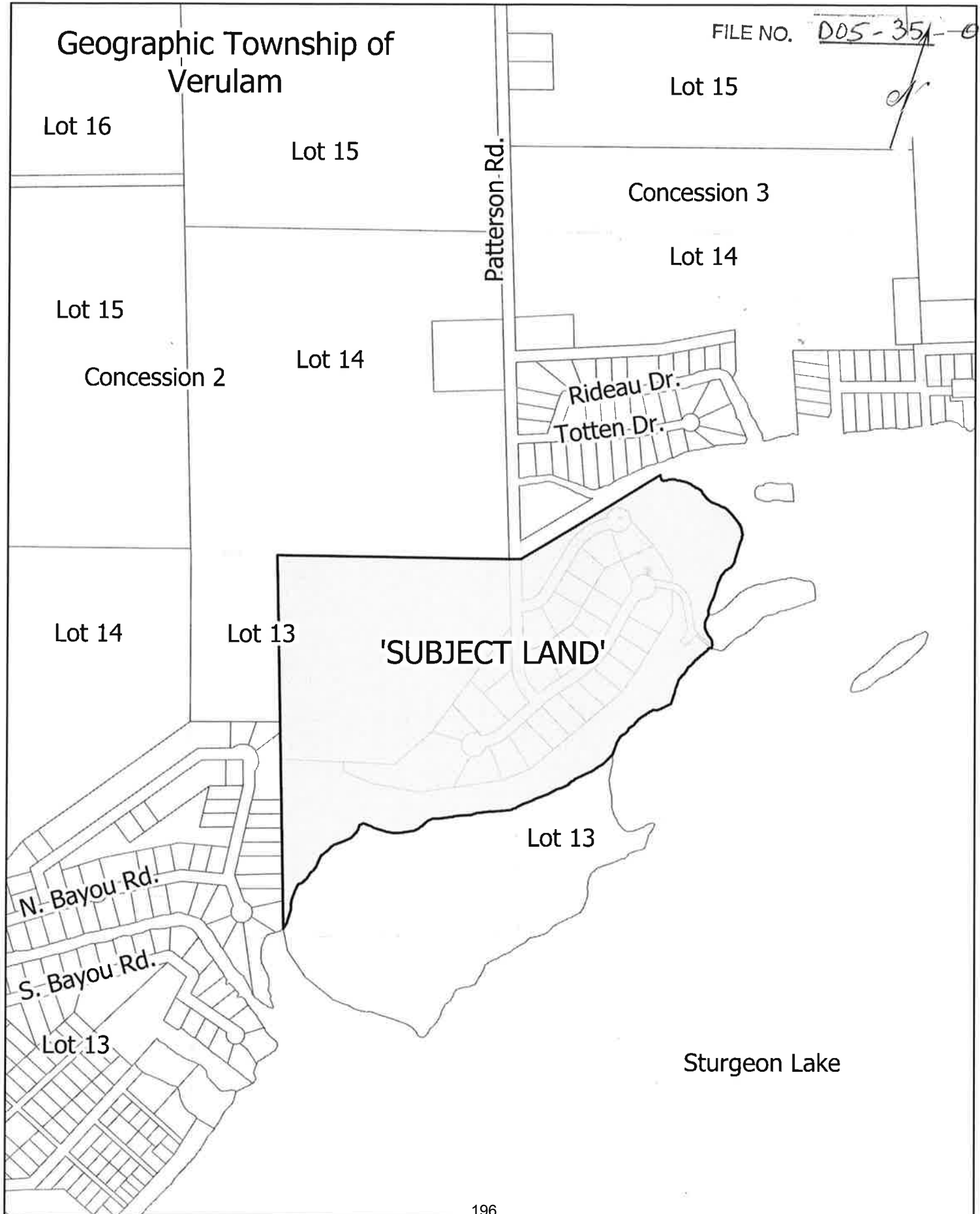
PLAN2020-019 -
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

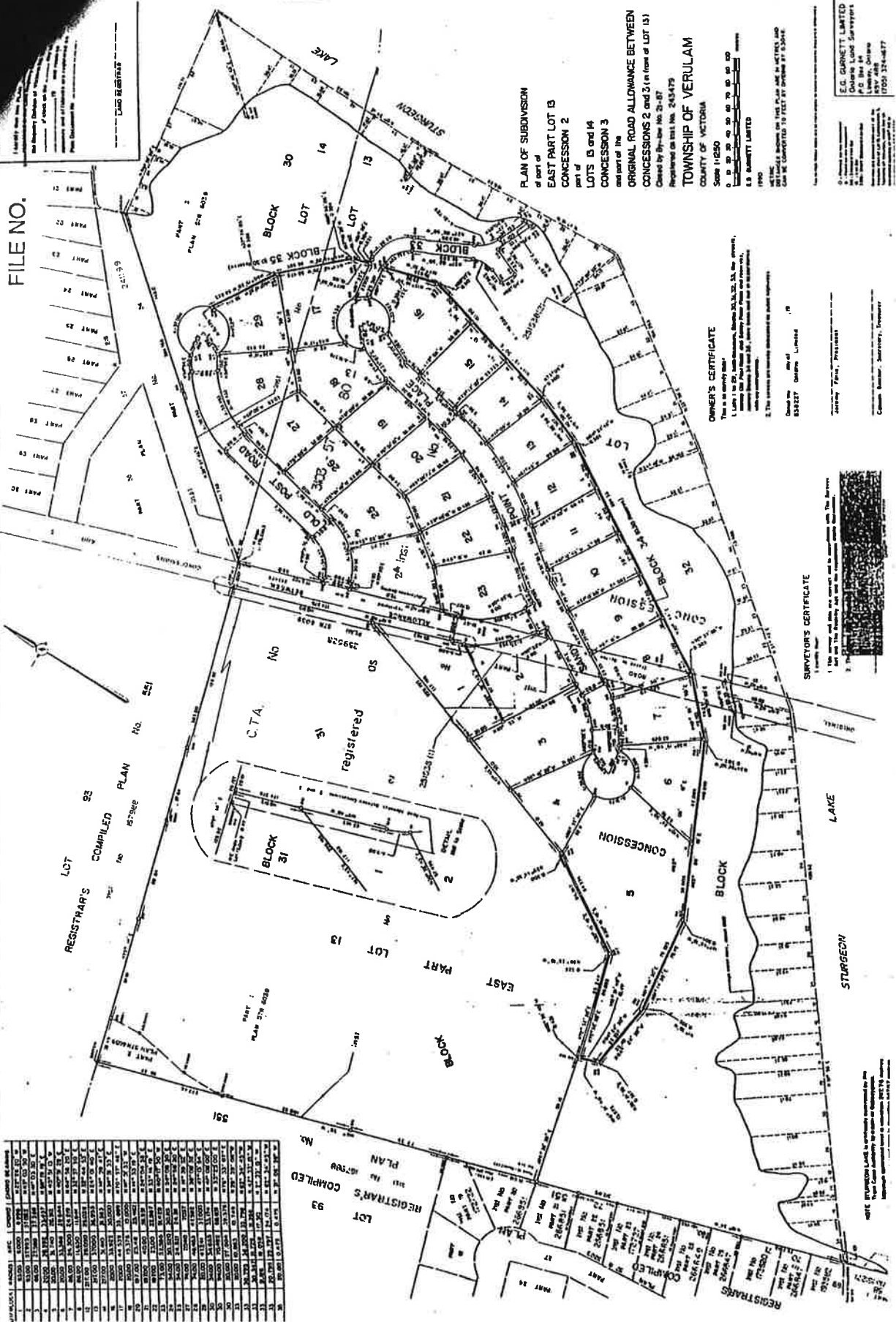
Department Head: Chris Marshall, Director of Development Services

Department File: D05-35-010

FILE NO. DOS-351-010



to
REPORT

[illegible]

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

NOTE: ITJEWEL.COM is currently suspended by the
Texas Game Authority for 60 days as follows:

E.G. GURNETT LIMITED
Ontario Land Surveyors
P.O. Box 84
Leamington, Ontario
N9V 4B8
(705) 324-6777

CITY OF KAWARTHA LAKES
SUBDIVISION AMENDING AGREEMENT

THIS AGREEMENT made in quintuplicate this _____ day of _____, 2020.

BETWEEN:

ASPIRE STURGEON DEVELOPMENTS INC.

Hereinafter called the "OWNER"

- and -

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

Hereinafter called the "CITY"

WHEREAS 838227 Ontario Limited and The Corporation of the Township of Verulam, as lawful predecessor to the CITY, entered into a Subdivision Agreement dated the 28th day of May, 1991 dealing with certain lands in the Geographic Township of Verulam identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and Blocks 30, 31, 32, 33, 34, 35 Registered Plan 638 (the "Agreement");

AND WHEREAS the OWNER is now the registered owner of certain lands within Plan 638, namely Lots 1, 2, 3, 4, 6, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29 and Block 33 on Plan 638 (the "Lands");

AND WHEREAS various third parties are now the registered owners of the balance of the lands within Registered Plan 638, namely, Lots 7, 8, 9, 11 and 27 and Blocks 30, 31 and 32;

AND WHEREAS the CITY is now the registered owner of Lot 27 and Blocks 34 and 35 on Plan 638;

AND WHEREAS the Agreement was registered as Instrument No. R287367 on title to those lands now legally identified by the following PINS: 63125-0508 (LT); 63125-0507 (LT); 63125-0505 (LT); 63125-0504 (LT); 63125-0499 (LT); 63125-0488 (LT); 63125-0487 (LT); 63125-0486 (LT); 63125-0485 (LT); 63125-0484 (LT); 63125-0483 (LT); 63125-0482 (LT); 63125-0481 (LT); 63125-0480 (LT); 63125-0479 (LT); 63125-0478 (LT); 63125-0477 (LT); 63125-0476 (LT); 63125-0475 (LT); 63125-0474 (LT); 63125-0473 (LT); 63125-0472 (LT); 63125-0471 (LT); and 63125-0307 (LT) on the 27th day of January, 1992, all of which parcels are the Lands now owned by the OWNER;

AND WHEREAS the works contemplated in the Agreement are completed, with the exception of remaining deficiencies, as more particularly set out at Schedule "C", and placement of top asphalt on the roads;

AND WHEREAS section 10 (a) of the Agreement provided that the ownership of Blocks 30, 32, and 33 shall be transferred by the owner to a corporation consisting of all, but no others than, the owners from time to time of the lots included in the plan of subdivision;

AND WHEREAS section 10 (e) of the Agreement provides that an "owner corporation" shall be responsible for the maintenance of the buffer blocks and wetlands, being said Blocks 30, 31, 32 and 33, in a natural state and will permit no dredging, filling or vegetation/tree cutting therein;

AND WHEREAS section 10 (f) of the Agreement provides that 838227 and successor owners, shall be responsible for the maintenance of the buffer block and wet land being Block 31, in a natural state and will permit no dredging, filling or vegetation/tree cutting therein;

AND WHEREAS the transfer of land and payment has been made in accordance with section 2 of the Agreement;

AND WHEREAS the OWNER and the CITY wish to amend the Agreement as it pertains to the parcels owned by the OWNER;

AND WHEREAS the OWNER and the CITY wish to insert a new clause into the Agreement pertaining to postponements of prior encumbrances to this Amending Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of other good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money in Canada now paid by each of the parties hereto to each of the other parties hereto (the receipt whereof is hereby acknowledged), the parties hereto hereby covenant, promise and agree with each other as follows:

1. Subsection 10(a) of the Agreement is hereby amended, to delete reference to Blocks 30 to 32, which are not in the OWNER's ownership. For the Lands bound by the Agreement, 10 (a) shall now be read as: *"The ownership of Block 33 shall be transferred by the owner to a corporation consisting of all, but no other than, the owners from time to time of the lots included in the plan of subdivision. This will be effected by registration of a Plan of Condominium at the same time as the registration of this Amending Agreement. This corporation is herein referred to as "the owner corporation."*
2. Subsection 10(e) of the Agreement is hereby amended to now be read as: *"The owner of Block 33 shall be responsible for the maintenance of the buffer block and wetland thereon in a natural state and will permit no dredging, filling or vegetation/tree cutting thereon."*
3. Subsection 10(f) of the Agreement is hereby deleted.

4. Subsection 12(a) of the Agreement is hereby deleted. The OWNER is now obligated to pay development charges prior to issuance of building permits per by-law.
5. The OWNER agrees to rectify the deficiencies to the works required pursuant to the Agreement, to the satisfaction of the CITY, as set out in Schedule "C". The OWNER has posted \$140,000 as security for performance of the works under the Agreement, as per its obligation under subsection 13(a) of the Agreement. If the OWNER fails to complete the works and rectify the deficiencies to the satisfaction of the CITY, the CITY is entitled to use the security to complete the works.
6. Section 13(b) of the Agreement is deleted to the extent that the OWNER is no longer entitled to post additional security for road rehabilitation that may be occasioned due to the building of any home on any lot owned by the OWNER, however, the OWNER is required to remedy any damage to the roadways and is required to keep the roadways clean of mud and dirt associated with the building of any home on any lot owned by the OWNER. The CITY is entitled to use the security referenced herein at section 5 and in the Agreement at section 13(a) to secure the performance of these obligations, regardless of whether or not the damage / dirt was the result of the building of a home on a lot sold into successive ownership (that is, is no longer owned by Aspire Sturgeon Developments Inc. as of the time of the damage/ dirt).
7. Section 14 of the Agreement is deleted.
8. At section 15(a) of the Agreement, "may" is replaced by "shall", and "and the Amending Agreement" is inserted after "attached", requiring that this Amending Agreement and the Agreement be registered on title to every lot in the subdivision owned by the OWNER.
9. In all other respects the Agreement shall continue in full force and effect.
10. This Amending Agreement shall be binding upon and ensure to the benefit of both parties hereto and their respective heirs, estate trustees, successors and assigns.
11. The OWNER shall be required to provide the postponement of any existing easement, mortgage or charge holder prior to the registration of this Amending Agreement.

IN WITNESS WHEREOF the Corporate Seal of the CITY and of the OWNER is hereunto affixed under the hands of its proper officers in that behalf.

**THE CORPORATION OF THE CITY
OF KAWARTHA LAKES**

Per: Andy Letham, Mayor

Per: Cathie Ritchie, City Clerk

We have the authority to bind the Corporation.

ASPIRE STURGEON DEVELOPMENTS INC.

Per: Thomas Chmielecki, President

Per: Gregory Golko, Secretary/Treasurer

We have the authority to bind the Corporation.

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2020-008

Meeting Date: May 26, 2020

Title: Assumption of Cloverlea Subdivision Phase 3, Lindsay

Description: Assumption of Blueberry Lane, Brackendale Trail, Briarwood Avenue, Broad Street, Commerce Road, and Silverbrook Avenue, Lindsay

Ward Number: 7

Author and Title: Christina Sisson, Supervisor, Development Engineering

Recommendation(s):

That Report ENG2020-008, **Assumption of Clovelea Phase 3 Subdivision, Lindsay**, be received;

That the Assumption of Cloverlea Subdivision Phase 3 Lindsay, 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 ENG2020-008 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 Mason Homes Limited for the subdivision, registered as Instrument KL108888, in January 2016. Further to a request from the Owner, Ashley Mason, the Engineering & Corporate Assets Department is recommending formal assumption of the road and municipal water and sanitary infrastructure, trails, and pond block within the subdivision.

The servicing and the final lift of asphalt for the subdivision was completed, deficiencies 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 2018, 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-800:

Assume as Right of Way:

- Blueberry Lane, PIN: 63237-1786
- Brackendale Trail, PIN: 63237-1787
- Briarwood Avenue, PIN: 63237-1788
- Broad Street, PIN: 63237-1789
- Commerce Road, PIN: 63237-1790
- Silverbrook Avenue, PIN: 63237-1791
- The 0.3 metre reserves: Block 87, PIN: 63237-1782, Block 88, PIN: 63237-1783, Block 89, PIN: 63237-1784, and Block 90, PIN: 63237-1785

Assume as Pond:

Pond Block, Block 82, PIN: 63237-1777

Assume as Trail:

Trail Blocks, Blocks 83, PIN: 63237-1778, Block 84, PIN: 63237-1779, and Block 85, PIN: 63237-1780

A copy of Plan 57M-800 has been attached as Appendix 'B'.

Rationale:

The services in this development have been constructed and installed according to the plans and specifications as outlined in the Subdivision Agreement. Staff carried out inspections of this subdivision. To date, all deficiencies have been corrected, and the roads, trails, and pond block are 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 has posted on the Daily Commercial News (January 22nd, 2020) to comply with the required notice for the standard statutory declaration and the Construction Act.

Upon assumption of the subdivision, the City will be responsible for the general maintenance of the streets and services (in addition to services already provided), the trail, and the stormwater management pond. Associated funds will need to be allocated in future budgets for operation and life cycle replacement.

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

The City's 2020-2023 Strategic Plan outlines the strategic goals of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The assumption of this subdivision aligns with offering new residents with the development of housing options that have trail connectivity and walkability. Tree cover has been enhanced with the plantings within the municipal rights of way and pond block. The stormwater management pond provides both water quality control and quantity control to protect the downstream receiver, the Ops#1 Municipal Drain, Jennings Creek, the Scugog River, and ultimately, Sturgeon Lake.

Review of Accessibility Implications of Any Development or Policy:

The Cloverlea Phase 3 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. For the Cloverlea Phase 3 Subdivision, the following assets are to be assumed:

DR18 PVC Watermain

- 869 metres of 150 mm diameter
- 460 metres of 200 mm diameter

SDR35 PVC Sanitary Sewer

- 939.3 metres of 200 mm diameter
- 113.7 metres of 250 mm diameter
- 289.5 metres of 300 mm diameter

Storm Sewer

- 404.6 metres of 300 mm diameter SDR35 PVC
- 119.8 metres of 375 mm diameter SDR35 PVC
- 265.3 metres of 450 mm diameter SDR35 Concrete
- 71.7 metres of 525 mm diameter 65D Concrete
- 92.4 metres of 600 mm diameter 100D Concrete
- 149 metres of 675 mm diameter 100D Concrete

Asphalt Road

- 10,834.1 square metres

Multi-Use Trail

- 208 metres long, 3.0 metres wide

One Stormwater Management Pond

Consultations:

Finance Division

Attachments:

Appendix 'A' - Draft Assumption By-Law



2020-XXX By-law to
Assume Cloverlea Ph

Appendix 'B' - Plan 57M-800 – Plan of Subdivision, Cloverlea Phase 3
Subdivision



LRO 57 Plan.pdf

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering and Corporate Assets

Department File:

The Corporation of the City of Kawartha Lakes

By-law 2020-XXX

A By-law to Assume Cloverlea Phase 3 Subdivision, Plan 57M-800, specifically Blueberry Lane, PIN: 63237- 1786, Brackendale Trail, PIN: 63237-1787, Briarwood Avenue, PIN: 63237-1788, Broad Street, PIN: 63237-1789, Commerce Road, PIN: 63237-1790, and Silverbrook Avenue, PIN: 63237-1791, the 0.3 metre reserves, Blocks 87, 88, 89, and 90, PIN: 63237-1782, 63237-1783, 63237-1784, and 63237-1785, respectively, Trail Blocks 83, 84, and 85, PINs: 63237-1778, 63237-1779, and 63237-1780, respectively and the Stormwater Management Pond, Block 82, PIN: 63237-1777, 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 Blueberry Lane, Brackendale Trail, Briarwood Avenue, Broad Street, Commerce Road, and Silverbrook Avenue, Plan 57M-800, 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 Blueberry Lane, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - b) The road known as Brackendale Trail, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - c) The road known as Briarwood Avenue, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - d) The road known as Broad Street, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - e) The road known as Commerce Road, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - f) The road known as Silverbrook Avenue, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- 2.02 **Assumption:** The following facilities are assumed by the City:
- a) The stormwater management pond, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
 - b) The trail, Plan 57M-800, 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 June, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

CERTIFY THAT THIS PLAN IS REGISTERED IN
THE LAND REGISTRY OFFICE FOR THE LAND TITLES
DIVISION OF VICTORIA (No. 57)
KL111831 --- O'CLOCK ON THE 22 DAY
February --- 2016 AND ENTERED IN THE PARCEL
REGISTER FOR PROPERTY IDENTIFIER
63237-1933 (L1)
AND THE REQUIRED CONSENT'S ARE
63237-1933
KL108839
AS
THE LAND REGISTRAR FOR THE LAND REGISTRAR FOR
THE LAND TITLES DIVISION OF VICTORIA (No 57)

INSTRUMENT	SUBJECT TO EASEMENT AFFECTS LOTS/BLOCKS
01101760	PART OF LOTS 11, 12 AND 13, PART OF BROAD STREET
01101942	PART OF LOTS 11, 12 AND 13, PART OF BROAD STREET, PART BLOCK 87
23243884	PART OF LOTS 11 TO 18 BOTH INCLUSIVE, PART OF COMMERCE ROAD, PART BLOCK 92
KL2116	PART OF BLOCKS 83, 84 AND 89, PART OF COMMERCE ROAD

SCALE 1 : 750

0 10 20 30 40 50 metres

DE, FISHER, CAMERON

ELECTRIC

LOTS IS TO CERTIFY THAT:

LOTS 1 TO 80 BOTH INCLUSIVE, BLOCKS 81 TO 86 BOTH INCLUSIVE, AND LOTS 87 TO 90 BOTH INCLUSIVE, ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF KAWARTHA LAKES AS PUBLIC HIGHWAY.

ASON HOMES LIMITED

NOTES

COORDINATES ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (10.0).

COMBINED SCALE FACTOR OF 0.9999963.

POINT ID	EASTING	NORTHING
CRP (A)	678 819.79	4 912 389.29
CRP (B)	678 740.05	4 912 600.00

COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH BOUNDARIES OR BOUNDARIES SHOWN ON THIS PLAN.

DENOTES	SURVEY MONUMENT SET
DENOTES	SURVEY MONUMENT FOUND
DENOTES	SHORT STANDARD IRON BAR
DENOTES	IRON BAR
DENOTES	WELDED IRON BAR
DENOTES	WOOD SIGN
DENOTES	COD FISHER CAMERON, O.L.S.
DENOTES	O.D. BARNES LTD., O.L.S.
DENOTES	G.M. SMITH, O.L.S.
DENOTES	E.G. GURNETT LIMITED, O.L.S.
DENOTES	REGISTERED PLAN 574-783
DENOTES	REGISTERED PLAN 574-783
DENOTES	REGISTERED PLAN 574-9269
DENOTES	REGISTERED PLAN 574-772
DENOTES	REGISTERED PLAN 318
DENOTES	REGISTERED PLAN 574-772
DENOTES	PLAN 574-9269
DENOTES	SUBJECT TO AGREEMENT AS
DENOTES	NON-TANGIBLE

SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN
2/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH
TION 11 (4) OF O.REG. 525/91.


ALL SURVEY MONUMENTS PLANTED ARE IRON BARS UNLESS OTHERWISE NOTED.
DISTANCES SHOWN ON CURVED LIMITS ARE ARC DISTANCES.

THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

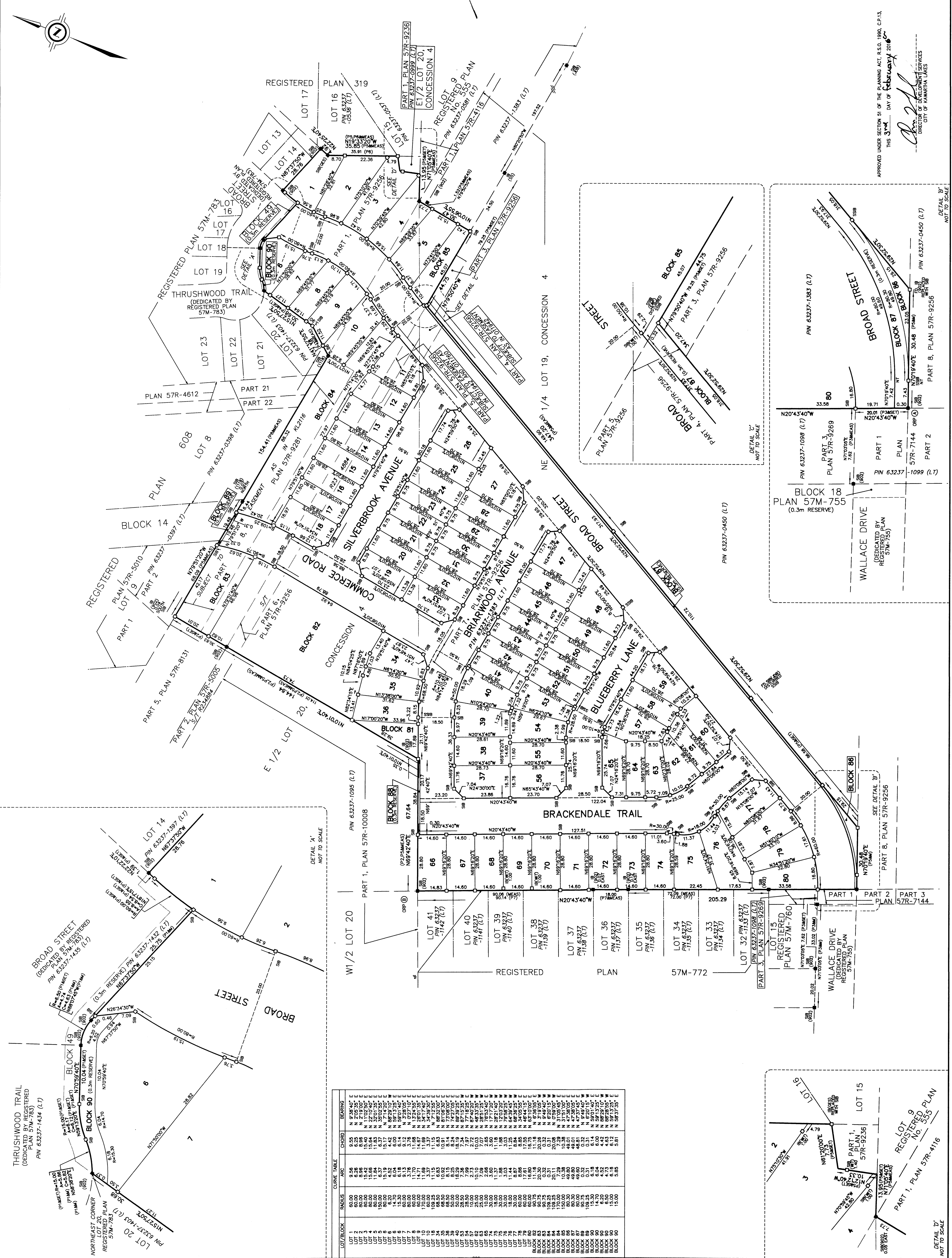
THE SURVEY WAS COMPLETED ON NOVEMBER 4, 2015

December 16, 2015



 A wholly owned subsidiary of J.D. Barnes Limited
257 KENT STREET WEST, LINDSAY, ON K9V 2Z3
TF: (800) 752-2704 T: (705) 324-4152 F: (705) 324-8406 www.jdbarnes.com

RDW



The Corporation of the City of Kawartha Lakes

By-Law 2020-XXX

A By-law to Amend By-law 2020-035, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes

Recitals

1. Section 238(2) of the Municipal Act, requires that every municipality and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;
2. Subsection 238(3.1) of the Municipal Act, the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time; and
3. The Council of the City of Kawartha Lakes adopted By-law 2020-001 as amended, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of 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 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.

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

1.03 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: Amendment Details

2.01 Amendment: That a new Section 5.07 be inserted after section 5.06 in By-law 2020-001 as follows:

5.07 Electronic Participation Non-State of Emergency:

1. Electronic participation would apply to Council, Local Boards and Committees of Council.
2. Non members that would be permitted to participate electronically includes, City staff, consultants, deputations and invited presenters.

3. Members who are unable to attend Council, Local Board or Committee Meetings may participate by means of audio/visual or audio electronic communication devices under the following circumstances:
 - a. The Mayor/Chair shall be present and will not participate electronically.
 - b. Members participating electronically may be included in the debate, but shall not be counted in determining a quorum and therefore can not vote.
 - c. Participation electronically shall be limited to open meetings only.
 - d. The Clerk shall be notified 72 hours in advance.
 - e. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
 - f. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
 - g. In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
4. All electronic meetings will be available on Livestreaming or other video technology.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on May 26, 2020.

By-law read a first, second and third time, and finally passed, this 26th day of May, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Establish 2020 Tax Ratios in the City of Kawartha Lakes

Recitals

1. Subsection 308 (4) and 308.1 (4) of the Municipal Act, 2001 provides that the council shall pass a by-law in the year to establish the tax ratios for that year.
2. Subsection 308 (6) requires the municipality to pass a by-law adopting tax ratios subsequent to the setting of transition ratios.
3. Ontario Regulation 162/09, amending Ontario Regulation 385/98, provides for the exclusion of properties in a property class in the calculation of tax ratios.
4. The tax ratios determine the relative amount of taxation to be borne by each property class.

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

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 and includes its entire geographic area;

“Commercial classes” means the commercial property class and the property classes each of which is a property class that a municipality may opt to have apply under the regulations under the Assessment Act and that contains property that, if the municipality did not opt to have the property class apply, would be in the commercial property class.

“Council” means the municipal council for the City.

“Industrial classes” means the industrial property class prescribed under the Assessment Act and the property classes each of which is a property class that a municipality may opt to have apply under the regulations under the Assessment Act and that contains property that, if the municipality did not opt to have the property class apply, would be in the industrial property class.

“Manager of Revenue and Taxation” means the person within the administration of the City which fulfills the function of the Tax Collector and

his or her delegate(s), as required by the Municipal Act, 2001 or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) 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, that 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: Tax Ratios

2.01 Transition Ratios: On April 16, 2009 Ontario Regulation 162/09 was made setting out the method of setting transition ratios.

2.02 Tax Ratios: The Tax Ratios for the taxation year 2020 shall be as follows:

Property Class	Tax Ratio
Residential and Farm	1.000000
New Multi Residential	1.000000
Residential FAD 1	0.550000
Farmland	0.250000
Managed Forest	0.250000
Multi Residential	1.956823
Commercial Occupied	1.379305
Commercial Excess Land	1.379305
Commercial Vacant Land	1.379305
Landfill Occupied	1.353442
Industrial Occupied	1.346448
Industrial Excess Land	1.346448
Industrial Vacant Units	1.346448
Pipelines	2.001314

2.03 Optional Property Classes: For the purpose of this By-law:

- a) the commercial property class includes parking lot property, major office buildings, commercial (new construction) and shopping centres; and
- b) the industrial property class includes large industrial properties and industrial (new construction).

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager, Revenue and Taxation is responsible for the administration of this by-law is responsible for the administration of this by-law.

3.02 **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 day of May, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Provide Tax Relief To Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between The Ages Of 55 And 64, Low Income Disabled Persons Or Ontario Disability Support Program Recipients

Recitals

1. Section 319 of the Municipal Act, 2001, S.O. 2001, c.25, provides that for purposes of relieving financial hardship, a municipality may pass a by-law providing for deferrals or cancellation of, or other relief in respect of all or part of a tax increase for 1998 and subsequent years on property in the residential property class for persons assessed as owners who are, or whose spouses are, (a) low-income seniors as defined in the by-law; or (b) low-income persons with disabilities as defined in the by-law.
2. Section 365 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the council of a local municipality may, in any year, pass a by-law to provide for the cancellation, reduction or refund of taxes levied for local municipal and school purposes in the year by the council in respect of an eligible property of any person who makes an application in that year to the municipality for that relief whose taxes are considered by the council to be unduly burdensome, as defined in the by-law.

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

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 and includes its entire geographic area;

"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;

“Manager of Revenue and Taxation” means the person within the administration of the City which fulfills the function of the Tax Collector or his or her delegate(s), as required by the Municipal Act, 2001 or, in the event of organizational changes, another person designated by Council.

“Assessment Related Property Tax Increase” is the increase in property taxes attributed directly to an increase in the assessed value of the eligible property

“Low-income Senior” means:

- i) a person who attained the age of 65 years as of December 31st of the previous year and is in receipt of benefits paid under the Guaranteed Income Supplement (GIS) program, as established under The Old Age Security Act (Canada);
- ii) a person aged 55 to 64 years of age as of December 31st of the previous year whose taxable income, as reported on Line 260 of the 2019 Income Tax Notice of Assessment, is less than \$30,000.

“Low-income person with disabilities” means a person who is in receipt of benefits paid under the Ontario Disability Support Program Act, 1997; or a disability amount paid under the Family Benefits Act (Ontario); or a Canada Pension Plan Disabilities Pension, and be eligible to claim a disability amount as defined under the Income Tax Act (Canada).

“Eligible person” means a “low-income senior” or a “low-income person with disabilities” or the spouse of such eligible person whose name also appears as a registered owner of the property.

“Eligible property” means residential property located in the City of Kawartha Lakes that is utilized as a principle residence and must be solely owned (with their spouse, if applicable) and occupied by the eligible person(s) as of January 1st of the year for which a tax credit is being applied.

“Owner” means a person assessed as the owner of residential real property, and includes an owner within the meaning of the Condominium Act.

“Tax increase” means the difference between current year tax on assessment and the previous year tax on assessment – excluding tax increases resulting from an assessment increase from new construction and/or improvements to a property.

“Eligible amount” means for

- (i) Low Income Senior as defined in section 1.01 (c) (i) and Low income person with disabilities, a combined amount totaling \$175 that first addresses the assessment related increase for the eligible property, and if the assessment related increase is less than \$175, the balance of the \$175 is related to taxes considered to be unduly burdensome.
- (ii) Low Income Senior as defined in section 1.01 (c) (i) and Low income person with disabilities, where the taxes have decreased from 2019, an amount equivalent to the difference between the \$175 and the amount of the total property tax reduction.
- (iii) Low Income Senior aged from 55 to 64 the amount of the property tax increase assessment related property tax increase to a maximum of \$175 per year, with a minimum

rebate of \$25, if there is an increase in property taxes from the previous year.

The tax relief applies only to increases in tax based upon assessment values and does not apply to any additional charges that may be levied against the property, including but not restricted to local improvement charges, or any other miscellaneous types of charges added to the Tax Roll for collection purposes.

The tax relief amount shall be prorated from the date of ownership to December 31st, if the applicant subsequent to January 1st of the year for which the relief is sought purchases the property.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) 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, that 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: Tax Relief Provisions

2.01 Tax relief granted pursuant to this by-law shall be in the form of an outright cancellation of the annual eligible amount, provided that:

(a) the Owner, or the spouse of such Owner, or both, occupies or occupy the property in respect of which real property taxes are imposed, as his, her or their principle residence;

(b) the Owner, or the spouse of such Owner, or both, have been or has been the assessed owner of the residential real property in the City on or before January 1st of the year for which they are applying for the credit

2.02 No tax relief granted pursuant to this by-law shall be allowed to an Owner in respect of more than one (1) single family dwelling unit in any year and the residence must be solely classified in the Residential tax classification.

2.03 Tax relief shall be granted, pursuant to this by-law, to only one eligible person per household.

2.04 Applications for the property tax rebate must be in writing on a form prepared by the City for this purpose and must be submitted to the City of Kawartha Lakes on or before August 31 of this taxation year for which the property tax rebate is sought.

2.05 The application must be submitted to:

Manager of Revenue & Taxation
P.O. Box 696
26 Francis St.
Lindsay ON K9V 4W9

2.06 Applications must include documentation in supporting the applicant is an eligible person and that the property with respect to which the application is made is an eligible property.

2.07 Successful applications will result in a credit applied to the eligible property tax account to be deducted from the final tax installment for the year.

2.08 Credits will not be refunded but will be applied to future property taxes.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** Manager of Revenue and Taxation is responsible for the administration of this by-law is responsible for the administration of this by-law.

3.02 **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 day of , 202 .

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Provide Water Rate Relief To Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between The Ages Of 55 And 64, Low Income Disabled Persons Or Ontario Disability Support Program Recipients

Recitals

1. Section 10 of the Municipal Act, 2001, S.O. 2001, c.25, provides a municipality may provide any service or thing that the municipality considers necessary or desirable for the public.
2. Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the council of a local municipality may impose fees and charges that include administration charges

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

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 and includes its entire geographic area;

"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;

“Dependant” means a child if:

- i. he/she is under 18;
- ii. he/she resides in the same home with his/her parent(s);
- iii. the parent(s) is an ODSP applicant/recipient or his/her spouse; and

The applicant/recipient receives the Canada Child Tax Benefit on behalf of the child or if that does not apply, has been determined to be the child's primary caregiver.

In addition, if the child is of school age, the child must be attending school. If the child is over 16 years of age, the child must be making satisfactory progress in school. The child is exempt from the school requirement, if the child is unable to attend school due to a physical or mental disability, or for reasons outside his/her control.

“Eligible person” means a “low-income senior” or a “low-income person with disabilities” or the spouse of such eligible person whose name also appears as a registered owner of the property who meets the qualifications set out in this By-law.

“Eligible property” means

- i. a property classified as residential real property on the annual assessment roll for the City of Kawartha Lakes, or
- ii. a portion of real properties classified as residential real property that is utilized as a principle residence and must be solely owned (with their spouse, if applicable) and occupied by the eligible person(s).

“Household income” means the combined gross income of all eligible persons occupying the eligible property in respect of which the application for a water bill rebate is made.

“Low-income person with disabilities” means:

- i. Who has owned and occupied, as the principal residence, the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- ii. Who is in receipt of one or more of the following: benefits paid under the Ontario Disability Support Program Act, 1997; or a disability amount paid under the Family Benefits Act (Ontario); or a Canada Pension Plan Disabilities Pension.

“Low-income Senior” means:

- i. Who has owned and occupied, as the principal residence, the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- ii. a person who attained the age of 65 years as of December 31st of the previous year and is in receipt of benefits paid under the Guaranteed Income Supplement (GIS) program, as established under The Old Age Security Act (Canada);
- iii. a person between the ages of 55 to 64 years of age as of December 31st of the previous year whose combined taxable income, with their spouse (if applicable), as reported on Line 260 of the 2019 Income Tax Notice of Assessment, is less than \$30,000.

“Manager of Revenue and Taxation” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Owner” means a person assessed as the owner of the eligible property, and includes the owner within the meaning of the Condominium Act.

“Treasurer” means the Director of Finance and Treasurer for the City of Kawartha Lakes or their designate.

1.02 **Interpretation Rules:**

- i. The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- ii. 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, that 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: Water bill rebate for eligible low income disabled persons and low income seniors

2.01 The City shall, where an eligible person has made a successful application in relation to an eligible property under this portion of this By-law relating to the water bill rebate, provide a rebate in accordance with the provisions set out in Sections 2 to 5 of this By-law, inclusive.

2.02 The water bill rebate shall be set at a rate representing a twenty-percent reduction from the water rate, as set out in the City of Kawartha Lakes By-law 218-039, A By-Law To Regulate Water and Wastewater Services in The City Of Kawartha Lakes, or at such other rate as determined by City Council from time to time.

Section 3.00: Eligibility to receive a water bill rebate.

3.01 A person is eligible to receive a water bill rebate if:

- i. The person is an eligible low-income disabled person or low-income senior;
- ii. The person occupies the eligible property, which is the subject of the rebate application, as his or her personal principal residence;
- iii. The person has made an application for the water bill rebate program in accordance with the provisions of Section 4.00 of this By-law.
- iv. The application for a water bill rebate is in respect of only the water bill for the year in which the application is made;

3.02 The person agrees to notify the Treasurer of any change in circumstances which would alter his or her status as an eligible person, or the amount of the water bill rebate to which they are entitled;

3.03 The person is an owner who has occupied the eligible property, which is the subject of the rebate application, for a period of not less than one year immediately preceding the date of application for the rebate;

- 3.04 Where title to the eligible property, which is the subject of the rebate application, is held by an eligible person and his or her spouse or same sex spouse and no other owner, one of the joint owners must qualify as an eligible person, but where title to the eligible property is held jointly by an eligible person and a person or persons who are not his or her spouse or same sex spouse, all of the joint owners must qualify as an eligible person;
- 3.05 Payment to the City for all taxes payable for all previous years and water and wastewater bill charges payable for the current year related to the eligible property, which is the subject of the rebate application, have been made in full.
- 3.06 The water consumption for the eligible property, which is the subject of the rebate application, must be
- i. 175 cubic metres or less of water per calendar year for a qualifying low income Senior; or
 - ii. 175 cubic metres or less for a low-income disabled person with up to 2 permanent residents; or
 - iii. 300 cubic metres or less for a low-income disabled person with more than 2 permanent residents residing at the property and residents of the property who are not registered owners of the property are dependants of the property owner(s).
- 3.07 The eligible property, which is the subject of the rebate application, must be metered and the applicant must provide to the City an actual meter reading in or around December 31 or the last quarter of the year, and/or provide access to City staff to obtain an actual reading; or
- 3.08 If the eligible property is one that is on the flat-rate billing system, the applicant must have made a request to the City of Kawartha Lakes, Utility Billing Section for the installation of a water meter and made a reasonable effort to provide the City access to install the new meter, in which case, the water bill rebate shall be calculated to a maximum rebate that an eligible metered customer would be entitled to receive for a consumption of 175 cubic metres, for accounts paid on or before the due date for the year in which the rebate is being sought.

Section 4.00: Administration and Effective Date

- 4.01 Applications for the water bill rebate must be in writing on a form prepared by the City for this purpose and must be submitted to the City of Kawartha Lakes on or before September 30 of the year for which the water bill rebate is sought.
- 4.02 An application must include documentation in support thereof in a form satisfactory to the Manager of Revenue and Taxation, to establish that the applicant or, in the case of property held jointly in accordance with Section 3.04, the applicant's spouse, is an eligible person, that the eligible property with respect to which the application is made is eligible for such water bill rebate and to establish the amount of water bill rebate to which the eligible person is entitled.

Section 5.00: Credit to water bill account

The following provisions shall apply to the water bill rebate program:

- 5.01 The rebate for eligible low-income seniors and low-income disabled persons shall be in the form of a credit applied to the eligible person's water bill for the eligible property which is the subject of the rebate application;
- 5.02 If all eligibility requirements are met, the credit shall be applied to the eligible person's first water bill of the following year;
- 5.03 If an eligible person sells their eligible property during the year, and provided that a final read was forwarded to the City prior to the change in ownership, a rebate will be credited to the final bill for the portion of the year the eligible property was owned by the eligible person and shall be issued based on the consumption used up to the change of ownership date calculated on a pro-rated basis; and
- 5.04 In any year, or eligible portion thereof, the water bill rebate or credit rate shall be calculated by multiplying the water per cubic metre rate by 20%, and such rates being based on 'paid on or before the due date', applicable for the year or portion thereof in which the rebate is being applied for.

Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-law:** The Manager of Revenue and Taxation is responsible for the administration of this by-law.
- 6.02 **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 day of , 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Authorize the Execution of a Telecommunications License Agreement between The Corporation of the City of Kawartha Lakes and Xplornet Communications Inc.

For the purpose of rebuilding a telecommunications tower at the Carden Recreation Centre, located at 258 Lake Dalrymple Road, Sebright

Recitals

1. The City of Kawartha Lakes and Xplornet Communications Inc. have entered into a License Agreement to allow Xplornet Communications Inc. to rebuild a telecommunications tower located at the Carden Recreation Centre (258 Lake Dalrymple Road, Sebright).
2. Section 5.05(2) of By-Law 2016-009, being a By-Law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of the City of Kawartha Lakes, requires that License Agreements with a revenue over \$10,000.00 per year and a term of five (5) years or under, must be approved by Council.
3. A License Agreement for a five (5) year term, which will expire on December 31, 2024, has been approved by the City Solicitor.

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

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 and includes its entire geographic area;

"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 Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) 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: Authorization

- 2.01 **Authorization:** The Mayor and Clerk are hereby authorized and directed to sign the License Agreement appended to this By-law as Schedule A, and to affix the City's corporate seal to it.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this By-law.
- 3.02 **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 26th day of May, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A
To City of Kawartha Lakes By-Law 2020-
Passed this 26th day of May, 2020



License Agreement -
CKL and Xplornet (Ca

TELECOMMUNICATIONS LICENSE AGREEMENT

THIS AGREEMENT made effective as of the 1st day of January, 2020

BETWEEN:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

(the "Licensor")

- and -

XPLORNET COMMUNICATIONS INC.

(the "Licensee")

WITNESSETH WHEREAS the Licensor is the registered owner of the Property described as "The Carden Recreation Centre" and located at 258 Lake Dalrymple Road, Sebright, which is legally described as Lot 88 Plan 173; Part Lot 18-19 Concession 3 Carden Parts 1 and 2 on Plan 57R-522; Parts 1 and 2 on Plan 57R-3766, Part 2 on Plan 57R-7728 and as in VT98054 except Part 3 on Plan 57R-7728, Subject to R184814; Subject to R246535, in the Geographic Township of Carden, City of Kawartha Lakes, being PIN: 63110-0170 (LT) (the "Property");

NOW THEREFORE in consideration of the rents, covenants and agreements herein contained and hereby assumed the parties for themselves and their respective successors and assigns do hereby covenant and agree with one another as follows:

1. USE OF LICENSED PREMISES

The Licensor hereby grants to the Licensee non-exclusive use of the Property to install and maintain a tower and associated electronic equipment on the Licensed Premises and all necessary cabling, antennas, antenna mounts and any other related equipment attachments (the "Equipment"), as more particularly described in Schedule "A" and shown in Schedule "B"; and permission to install, reconfigure, attach, operate, maintain and replace all of the initial and additional Equipment on the Property for wireless telecommunications in accordance with Schedule "A". The Licensee is granted a right of access to the Property at such times as in the sole judgment of the Licensee are necessary to maintain, repair and replace the Equipment from time to time, and to the extent reasonably necessary for purposes of the License herein granted. The Licensee shall repair the Property following both the installation and the removal of the equipment. The repair will be at the Licensee's expense and to the reasonable satisfaction of the Licensor.

2. TERM

The term of this License shall be five (5) years commencing on January 1, 2020 and ending on December 31, 2024 (the "Term").

3. LICENSE FEE

- a) The Licensee shall pay to the Licensor, its successors and assigns, a License Fee for the use of and access to the Property as granted by the Licensor herein. The License Fee shall be the sum of Thirteen Thousand Dollars (\$13,000.00), plus HST, per annum, indexed annually by the Consumer Price Index – All Items (the "License Fee").
- b) The first payment shall be payable upon execution of this License Agreement, and subsequent payments are due on or before the 1st day of January in each

calendar year of the Term. The responsibility for providing timely payment prior to January 1st in each year of the terms is wholly that of the Licensee.

4. ASSIGNMENT

Neither party may assign any of its rights or obligations under this License without the prior written consent of the other party. Notwithstanding the foregoing, the Licensee may, without the consent of the Licensor:

- a) assign its rights or obligations under this Agreement to an affiliate or an entity acquiring all or substantially all of the assets of the Licensee;
- b) license all or any portion of the Equipment to an affiliate; and
- c) license all or any portion of the Equipment to a third party for use as a telecommunications site.

Whenever the Licensor's consent is required by virtue of this section, such consent is deemed granted if the Licensor does not respond within fifteen (15) days to the written request of the Licensee for such consent.

5. LICENSEE'S WORK

- a) The Licensee shall, at its own expense, install, attach, repair, operate and maintain its Equipment in accordance with Scheduled "A" and "B" and in a good and workmanlike manner. All installation, reconfiguration, attachment, maintenance, repair and operation to be carried out under this License by the Licensee shall be done at the Licensee's expense and risk. Upon the expiration or earlier termination of this License, the Licensee agrees to repair at the Licensee's sole cost and expense to the reasonable satisfaction of the Licensor, all damages, structural or otherwise, save and except for reasonable wear and tear, that may be caused to the Licensor's property, including all buildings on the Property, by reason of the installation, reconfiguration, attachment, maintenance, operation or removal of the Licensee's Equipment.
- b) The Licensee shall remove the existing tower, as set out in Schedule "B", within six (6) months of the start of the term (by June 30, 2020) or by a later date as mutually agreed upon by both parties. Failure to do so will result in the Licensee being responsible for an additional Thirteen Thousand Dollars (\$13,000.00) per year, payable up front and in advance for the 1st year of the term and payable annually thereafter on the anniversary of the License.
- c) The Licensee and any Assignee may not make any alterations and/or improvements during the Term without requiring the consent of the Licensor. Such alterations and/or improvements may include, but are not limited to the expansion of existing, or the addition of new towers, equipment shelter(s), antennas, antenna mounts, apparatus, fixtures, cabling, attachments or any other equipment required by the Licensee or any Assignee.
- d) The Licensor agrees that the Equipment shall not become fixtures of the License but shall be and remain the property of the Licensee and may be removed from the Licensed Premises at any time from time to time by the Licensee during the Term or within a reasonable time after expiration or early termination of this License, so long as the Licensee makes good any damage caused by such removal, reasonable wear and tear excepted. This will encompass a complete removal up to and including three feet below grade. Failure by the Licensee to remove the Equipment after receipt of at least ninety (90) days prior written notice by the Licensor to remove same upon the expiration or early termination of this License will enable the Licensor to remove the Equipment at the expense of the Licensee.
- e) The Licensee is required to comply with the Licensor's installation and location

restrictions for the Equipment on site, as set out in Schedule "A". Further restrictions may include, but are not limited to fastening equipment to the middle of the bowl and wires being bundled with the existing bundle of wires extending down the column of the tower.

- f) The Licensee agrees and undertakes to provide the City with "as built" drawings within thirty (30) days of completion of construction of the Tower, or a later date as agreed to by both parties.
- g) The Licensee acknowledges that it is a member of Ontario One Call pursuant to section 5(1) of the *Ontario Underground Infrastructure Notification System Act*, 2012, S.O. 2012, C. 4, as amended (the "Act"), and is required to provide information to Ontario One Call as set out in section 5(2) of the Act. It is a requirement of the City that the Licensee provide Ontario One Call with as built engineering drawings of its infrastructure, as well as the location of its infrastructure with respect to distance from nearest intersection, in advance of execution of this License. The Licensee is required to provide written confirmation to the City that this has been done, as a precondition to the execution of this agreement.
 - a. The Licensee acknowledges its responsibilities pursuant to section 6 of the Act, specifically: if it receives a notification from Ontario One Call about a proposed excavation or dig that may affect underground infrastructure owned by it, it shall
 - i. mark on the ground the location of its underground infrastructure and provide a written document containing information respecting the location of the underground infrastructure; or
 - ii. state in writing that none of its underground infrastructure will be affected by the excavation or dig.
 - b. The Licensee shall make all reasonable attempts to do the things required above within five business days of the day it receives notification about the proposed excavation or dig, unless there is a reasonable expectation that the excavation or dig will not start within 30 business days of the day it receives the notification, The Licensee and the excavator agree to a different time limit; or the regulations under the Act set out a different time limit applicable to the circumstances.

6. ACCESS

- a) The Licensor grants to the Licensee, its agents, employees, contractors, or to an Assignee, all rights of direct access, between the hours of 8:30 am to 4:30 pm, Monday to Friday, to the Property, and such other rights as are reasonably necessary to enable the Licensee, its agents, employees, contractors or any Assignee to install, reconfigure, attach, operate, maintain and replace the Equipment, including but not limited to connecting its Equipment to the public telephone and utility networks, pursuant to the public telephone and utility's requirements or recommendations and any required right-of-ways, provided that such access is made upon notice to the Licensor of not less than five (5) business days and undertaken at the Licensee's sole risk. Access keys shall be provided by the Licensor to the Licensee if and when keys are requested by the Licensee.
- b) Where available, the Licensee, its agents, employees, contractors and any Assignee, shall have the non-exclusive use of and access to any existing access driveway and parking space located on the Property, during the times set out above. If required, the Licensor shall provide the Licensee with parking access cards and provide notice to any security personnel and contracted towing/tagging services. Unless previously approved in writing by the Licensor, the Licensee shall not hinder the use of or access to any existing access driveway or parking space by any other party at any time.

7. ADDITIONAL TAXES

The Licensee shall reimburse the Licensors for any new taxes, rates, fees or assessments of every description which may be charged or imposed, during the Term hereof, by a governmental authority (collectively, the "Taxes") upon or in respect of the privileges hereby granted provided that:

- a) it can be demonstrated that such Taxes have been assessed as a direct result of the Licensee's use of the Licensed Premises; and
- b) the Licensors deliver to the Licensee prompt written notice of the imposition of such Taxes (together with copies of all bills, invoices or statements relating to such Taxes) (the "Tax Notice"), which Tax Notice shall be delivered no later than eighteen (18) months following the due date for the Taxes set out in such Tax Notice (the "Taxes Due Date"). If the Licensors fail to deliver the Tax Notice on or before the date which is eighteen (18) months following the Taxes Due Date, then, notwithstanding anything to the contrary herein, the Licensee shall have no obligation or liability to pay any of the Taxes set out in such Taxes Notice and the Licensors shall be solely responsible for the payment of all such Taxes.

8. FAILURE TO PAY RENT

If the Licensee defaults at any time in any rental payment required under this License during the Term or any extension thereof, or fails, or neglects at any time to fully perform, observe and keep all the covenants, terms and conditions herein contained, the Licensors shall give the Licensee written notice of such default and the Licensee shall correct such default within fifteen (15) days after receipt thereof and if the default remains outstanding on the sixteenth (16th) day the Licensors may terminate this License forthwith, except in the event that such default reasonably requires more than fifteen (15) days to correct in which case the Licensee shall have a reasonable time to cure such default.

9. TERMINATION

It is agreed and understood that the Licensee or Licensors may terminate this License at any time, for any reason whatsoever, by twelve (12) months prior written notice to the Licensors or Licensee and the Licensee shall be entitled to remove the Equipment from the Licensed Premises within a reasonable time thereafter. At the end of the term of this License or any extension thereof, the Licensee will restore the land to the same condition that existed prior to the work and activities of the Licensee.

10. INTERFERENCE

The Licensee agrees to undertake such works as may be necessary to prevent any interference with other installations on the Licensed Premises and remedy the interference.

11. QUIET ENJOYMENT

The Licensors covenant with the Licensee for non-exclusive quiet enjoyment of the Licensed Premises without any interruption or disturbance from the Licensors provided the Licensee performs all of its covenants under this License Agreement; with the exception of any works, which may need to be completed by the Licensors. The Licensee would be provided with as much notice as reasonably possible by the Licensors. The Licensee would be responsible, at their expense, to remove/relocate the equipment within a reasonable period of time.

12. INSURANCE

The Licensee shall, during the Term hereof, keep in full force and effect, with respect to each of the Licensed Premises and the Property:

- a) A policy of insurance, in which the limit of Commercial General Liability insurance shall not be less than Five Million Dollars (\$5,000,000.00) per occurrence and shall include the Licensors as an Additional insured with respect to the Licensee's operations, acts and omissions relating to its obligations under this License, such policy to include, but not be limited to, bodily injury, including death; non-owned automobile liability; personal injury; broad form property damage; blanket contractual liability; owners and contractors protective liability; products and completed operations liability; contingent employers' liability; and, shall include cross liability and severability of interest clauses. This policy shall not be invalidated with respect to the interests of the Licensors by reason of any breach or violation on any warranties, representations, declarations or conditions;
- b) Licensee's Legal Liability insurance equal to the actual cash value of each of the Licensed Premises, including any loss of use thereof;
- c) Property Insurance on All Risk basis for property of every description owned by the Licensee, or for which the Licensee is legally liable or any of the Equipment installed by or on behalf of the Licensee and which is located within or on the Premises, for the full replacement cost thereof, as well as Business Interruption insurance in such amount as will reimburse the Licensee for direct or indirect loss of revenue attributable to an insured peril. Coverage shall also extend to any machinery, equipment and tools that used by the Licensee for the installation of maintenance of the Equipment. This insurance shall contain a waiver of any subrogation rights, which the Licensee's insurers may have against the Licensors or those for whom the Licensors are in law responsible;
- d) Any other form of insurance as the Licensors, acting reasonably, may require from time to time in form, in amounts and for insurance risks against which a prudent Licensee would insure;
- e) Automobile Liability insurance (Standard OAP 1 Automobile Policy) with a limit not less than Two Million Dollars (\$2,000,000) per occurrence for all licensed motor vehicles owned or leased by the Lessee;
- f) The Licensee shall provide annually and prior to the inception of this License, Certificates of Insurance, or copies of the insurance policies if required by the Licensors, with provision for thirty (30) days' prior notice by registered mail to the Licensors in the event of cancellation or material change, which reduces or restricts the insurance as required under (a), (b), (c), (d) or (e) within this License, under Section 12, Insurance;
- g) The Licensee agrees that if it fails to take out or keep in force any such insurance referred to in this Paragraph, or should any such insurance not be approved by the Licensors, and should the Licensee not commence and proceed to diligently rectify the situation within forty-eight (48) hours after written notice by the Licensors, the Licensors has the right without assuming any obligation in connection therewith, to effect such insurance at the sole cost of the Licensee. The Licensors shall be reimbursed as set out under the terms of this License.

13. HEALTH AND SAFETY

The Licensee shall provide the Licensors with a WSIB Clearance Certificate issued by the WSIB with the WSIB number and proof of satisfactory standing before commencing installation. An updated WSIB Clearance Certificate shall be provided to the City at any time upon request and on the anniversary of this Agreement thereafter. The Licensee shall provide the Licensors with health and safety related information in relation to the microwaves to identify the radius within which persons cannot be.

14. LIABILITY AND INDEMNITY OF LICENSOR

- a) The Licensors and the Licensee covenant and agree that the Licensors shall not be

liable or responsible in any way for personal or consequential injury of any kind whatsoever that may be suffered or sustained by the Licensee, or any employee, agent or invitee of the Licensee, or any other person(s) who may be upon the Licensed Premises or for any loss, theft, damage or injury to any property upon the Licensed Premises however caused.

- b) The Licensee waives, releases, discharges and indemnifies the Licenser from and against all rights, claims, demands or actions of whatsoever kind or nature, direct or indirect, of any person whether in respect of damage to person or property arising out of or occasioned by the construction, maintenance, use or occupancy of the Property from any cause whatsoever. The Licensee agrees to look solely to its insurers in the event of loss whether the insurance coverage is sufficient to fully reimburse the Licensee for the loss or not.
- c) With the exception of claims arising as a result of the Licenser's negligence or arising as a result of the Licenser's failure to fulfill its obligations set out in this License, the Licensee covenants to indemnify the Licenser against all claims including construction lien claims by any person arising from any want of maintenance thereof or anything done or admitted on or in the vicinity of the Licensed Premises or any other thing whatsoever, whether arising from any breach or default or from any negligence by the Licensee, its agents, contractors, employees, invitees or licensees, or from any accident, injury or damage or any other cause whatsoever, and such indemnity shall extend to all costs, counsel fees, expenses and liabilities which the Licenser may incur with respect to any such claim.
- d) The Licensee further covenants to indemnify and save harmless the Licenser with respect to any encumbrance on or damage to the Property or the Corporation of the City of Kawartha Lakes occasioned by or arising from the act, omission, default, or negligence of the Licensee, its officers, agents, servants, employees, contractors, customers, invitees or Licensees.
- e) The foregoing indemnities shall be in addition to and not in lieu of any insurance to be provided by the Licensee and shall survive the termination of this License notwithstanding any provisions of this License to the contrary.

15. ENVIRONMENTAL

The Licenser makes no representation, warranties or guarantees as to the suitability of the Property for the purposes of the Licensee. The Licensed Premises are provided on an "as is" basis. All works necessary to make the Licensed Premises suitable for the Licensees purposes shall be the responsibility of the Licensee and it shall bear the cost of doing so.

16. MODIFICATION

No change or modification to this License shall be valid unless it is in writing and is duly executed by both parties hereto.

17. NOTICE

Any notice required by this License shall be made in writing and shall be considered given or made on the day of delivery if delivered before 4:30 p.m. by facsimile, email or by personal delivery upon any officer of the party for whom it is intended, or three (3) business days after the day of delivery if sent by prepaid registered mail. The addresses for notice are as follows:

To the Licenser:	The Corporation of the City of Kawartha Lakes
	Attention: Clerk
	26 Francis Street
	P.O. Box 9000
	Lindsay, Ontario, K9V 5R8

Fax: 705-324-8110
Email: clerks@kawarthalakes.ca

Contract Administrator:

Craig Shanks
Director – Community Services
Phone: 705-324-9411 ext. 1304
E-mail: cshanks@kawarthalakes.ca

To the Licensee: Xplornet Communications Inc.
Attention: Site Acquisition and Management
300 Lockhart Mill Road
Woodstock, New Brunswick, E7M 5C3
Fax: 506-324-6676
E-mail: VRE@corp.xplornet.com

Either party hereto may change its aforesaid address for notices in accordance with the provisions of this notice.

18. PLANNING ACT

It is an express condition of this License that the provisions of Section 50 of the Planning Act, R.S.O. 1990, as amended, be complied with.

19. GOVERNING LAW

This License shall be governed by the laws of the Province of Ontario. Should any provisions of this License and/or its conditions be illegal or not enforceable under the laws of such Province it or they shall be considered severable and the License and its conditions shall remain in full force and effect and be binding upon the parties as though the said provision or provisions had never been included.

20. BINDING AGREEMENT

The Licensors covenants that it has good right, full power, and absolute authority to grant this License to the Licensee and this License shall be binding on and enforceable by the parties and their respective successors, personal representatives and permitted assigns and no assignee or successor of the Licensors shall challenge the validity or enforceability of any provision of this License and every assignee or successor of the Licensors shall be bound by the obligations of the Licensors hereunder.

21. FORCE MAJEURE

Notwithstanding anything to the contrary in this License contained, if either party hereto shall be bona fide delayed or hindered in or prevented from the performance of any term, covenant or act required hereunder by reason of strikes; labour troubles; an inability to procure materials or services; failure of power; restrictive governmental laws or regulations; riots; sabotage; rebellion; war; or act of God; which are not the fault of the party delayed in performing the work or doing the act required under the terms of this License, then the performance of such term, covenant or act shall be excused for the period of the delay and the period for the performance of any such term, covenant or act shall be extended for a period equivalent to the period of such delay.

22. EXECUTION

This License shall not be in force or bind either of the parties hereto until executed by all the parties named herein.

23. CONFIDENTIALITY

The terms of this License and all information issued, disclosed or developed in connection with this agreement are to be held in strict confidence between the parties

hereto subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

24. ENTIRE AGREEMENT

This License contains the entire agreement between the parties hereto with respect to the Licensed Premises and there are no prior representations, either oral or written, between them other than those set forth in this License. This License supersedes and revokes all previous negotiations, arrangements, options to License, representations and information conveyed, whether oral or written, between the parties hereto. The Licenser acknowledges and agrees that it has not relied upon any statement, representation, agreement or warranty except such as are expressly set out in this License.

25. INDEPENDENT LEGAL ADVICE

The Licensee acknowledges that it has either received or waived the benefit of its own legal advice with respect to the execution of this License.

26. ELECTRONIC SIGNATURES

This License may be executed and delivered by facsimile or other electronic means, which electronic copies shall be deemed to be original.

IN WITNESS WHEREOF the said parties hereto have duly executed this License on the dates noted below.

DATED at Lindsay, this _____ day of _____, 2020

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

PER: _____
Name: Andy Letham
Title: Mayor

PER: _____
Name: Cathie Ritchie
Title: City Clerk

We have authority to bind the Corporation pursuant to
By-Law 2020- _____

We hereby accept the above License on the terms and conditions contained therein

DATED at _____, this _____ day of _____, 2020.

XPLORNET COMMUNICATIONS INC.

PER: _____
Name: C.J. Prudham
Title: Executive VP - General Counsel

I have authority to bind the Corporation

Schedule “A”
Equipment

Equipment list – Dalrymple ON4728



VHLPX4-11W- 4ft dish



2 x VHLPX3-23 – 3ft Dish



2 x AW3023 Panels
4 Motion radio mounted behind



2 x ATD4516R5 Panels
RRU5258 – radio mounted behind

	Site Name	Site Code	VAID-Local	Antenna Owner	CM Status	Installation Status	VA Model	Antenna Dimension	Height (m)	Azimuth	Rotation Allowance	Frequency/Band	Attached Equipment	Cable Type	Additional Location	Project Actions	Project ID	Project Name	Project Program Group	Action Details	Asset Type
④	Dalrymple	ON4728	003	XCI	TBD	Planned	VHLPX3-23	3ft Parabolic	43	304	0.5	23GHz	Ceragon IP20C 4+0	2 x DC Cable + 2 x Fiber + 2 x Cat5	Sebright POP	Add	10047	Dalrymple 2.5 8T8R LTE Re-build	Capacity Phase 1	Upgrade BH link between Sebright POP and Dalrymple	Microwave
④	Dalrymple	ON4728	004	XCI	1-Planned	Planned	VHLPX4-11W	4ft Parabolic	38	139	0.8	11GHz	Ceragon IP20C 4+0	2 x DC Cable + 2 x Fiber + 2 x Cat5	Kirkfield	Add	11257	Kirkfield 3.5 8T8R LTE Upgrade	2020 8T8R Sites	Upgrade BH link between Dalrymple and Kirkfield.	Microwave
④	Dalrymple	ON4728	040	XCI	TBD	Existing	AW3023	720mm x 266mm x 52 mm	45	215	10	3.5GHz	4-Motion	2 x LMR-400							WiMAX or LTE
④	Dalrymple	ON4728	041	XCI	TBD	Existing	AW3023	720mm x 266mm x 52 mm	45	325	10	3.5GHz	4-Motion	2 x LMR-400							WiMAX or LTE
④	Dalrymple	ON4728	101	XCI	1-Planned	Planned	ATD4516R5 bb_2600	1445mm x 299mm x 109mm	45	220	10	2.5GHz	RRU5258	1 x DC Cable + 1 x Fiber		Add	10047	Dalrymple 2.5 8T8R LTE Re-build	Capacity Phase 1	Add 2.5G LTE 8T8R	LTE 8T8R
④	Dalrymple	ON4728	102	XCI	1-Planned	Planned	ATD4516R5 bb_2600	1445mm x 299mm x 109mm	45	340	10	2.5GHz	RRU5258	1 x DC Cable + 1 x Fiber		Add	10047	Dalrymple 2.5 8T8R LTE Re-build	Capacity Phase 1	Add 2.5G LTE 8T8R	LTE 8T8R

Schedule "B"
Location

Dalrymple (Carden Rec. Centre)



The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-law to Amend the City of Kawartha Lakes Official Plan to Add a Special Provision to Land within the City of Kawartha Lakes

[File D01-2020-001, Report PLAN2020-012, respecting Part Lot 5, Concession 4, former Township of Verulam, now in the City of Kawartha Lakes and identified as 2152 City Road 36 – Parkbridge Lifestyle Communities Inc.]

Recitals

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. 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 add a Special Provision to “Rural” designation to facilitate a residential lot severance on the property known municipally as 2152 City Road 36.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 36.

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

Section 1.00: Official Plan Amendment Details

- 1.1 **Property Affected:** The property affected by this By-law is described as Part Lot 5, Concession 4, former Township of Verulam, now in the City of Kawartha Lakes and identified as 2152 City Road 36.
- 1.2 **Amendment:** Amendment No. 36 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:** The By-law shall come into force and take effect on the date it is finally passed, subject to 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.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. 36 to the City of Kawartha Lakes Official Plan

Part A – The Preamble

A. Purpose

The purpose of the Official Plan Amendment is to add a Special Provision to facilitate a severance of a residential lot in the “Rural” designation of the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment.

B. Location

The subject land is located at the corner of City Road 36 and Cedar Glen Road in the former Township of Verulam. The subject land is legally described as Part of Lot 5, Concession 4, former Township of Verulam, now the City of Kawartha Lakes and identified as 2152 City Road 36.

C. Basis

Council has enacted this Official Plan Amendment in response to an application submitted by EcoVue Consulting on behalf of the owner to facilitate a severance of an existing dwelling from the existing commercial recreational uses on the property.

The land is designated “Rural” as shown on Schedule “A” to the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment to permit an approximately 1.8 ha residential lot.

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

1. The proposed development is consistent with the Provincial Policy Statement, 2020, and conforms and does not conflict with provincial policy documents being A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.
2. The proposed development conforms to the goals and objectives of the “Rural” designation as set out in the City of Kawartha Lakes Official Plan.
3. The proposed severance would not facilitate additional non-agricultural uses.
4. The applicant has submitted background material that demonstrates the appropriateness of the severance with respect to the protection of human health and safety, 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 constitutes Amendment No. 36 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. Section 16.4.4. of the City of Kawartha Lakes Official Plan is hereby amended by adding the following text:

- 16.4.4. Notwithstanding any other provisions of this Plan, land designated Rural and described as Part Lot 5, Concession 4, former Township of Verulam, and known as 2152 City Road 36 may be severed to create a residential lot with an existing single detached dwelling that has a maximum lot area of 1.8 ha.

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

By-Law 2020-

A By-law to Amend The Township of Verulam Zoning By-law No. 6-87 in The City of Kawartha Lakes

[File D06-2020-003, Report PLAN2020-012, respecting Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 – Parkbridge Lifestyle Communities Inc.]

Recitals

1. Section 34 of the Planning Act, R.S.O 1990, c.P. 13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a 1.8 ha residential lot, to restrict a dwelling on the remnant land zoned General Rural (A1) Zone, to delineate the Open Space (OS) Zone boundary in accordance with the floodplain and 30m vegetative buffer, and to recognize the existing dwelling and allow for its expansion in the Open Space Exception 16 (OS-16) Zone.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to amend the zone on the Property.

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

Section 1.00: Zoning Details

- 1.1 **Property Affected:** The Property affected by this by-law is described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes.
- 1.2 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 19.3.21 with the following:
 - 19.3.21 Notwithstanding subsection 19.1 and 19.2. a. ii., lands zoned A1-21 may only be used for a single detached dwelling and shall be subject to the following zone provision:
 - a. Maximum lot area 1.8 haAll other requirements of the A1 Zone and the By-law shall continue to apply to land zoned A1-21.
- 1.3 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 19.3.22 with the following:
 - 19.3.22 Despite subsections 19.1 a. and b., on lands zoned A1-22, a dwelling is not permitted. Notwithstanding subsections 19.2 a.i. and

b.i., lands zoned A1-22 shall be subject to the following zone provisions:

- | | |
|-------------------------|--------|
| a. Minimum lot area | 1.5 ha |
| b. Minimum lot frontage | 90 m |

1.4 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended by adding Section 18.3.16 with the following:

18.3.16 Notwithstanding subsections 18.1 and 18.2, on lands zoned OS-16, the single detached dwelling may be enlarged to a maximum gross floor area of 277 sq. m. and shall be subject to the provisions of subsection 19.2.

1.5 **Schedule Amendment:** Schedule 'A' to By-law No. 6-87 of the Township of Verulam is further amended by adding exception zones to the General Rural (A1) Zone to have General Rural Exception 21 (A1-21) Zone and General Rural Exception 22 (A1-22) Zone; and delineate the Open Space (OS) Zone and add Open Space Exception 16 (OS-16) 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 and Section 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

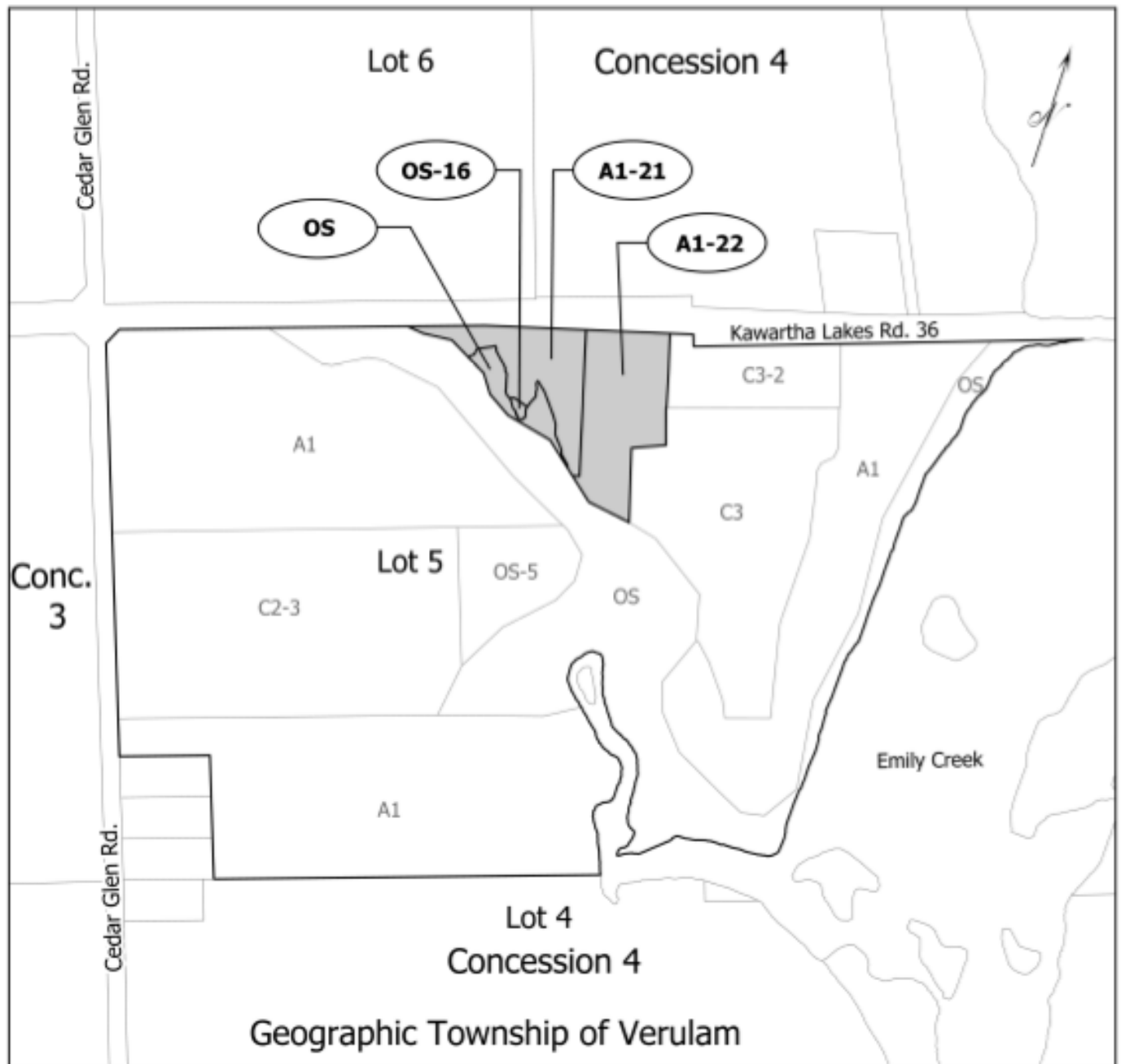
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75 To Rezone Land Within The City Of Kawartha Lakes

[File D06-2019-007, Reports PLAN2019-067 and PLAN2020-015, respecting Part Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay – 2573532 Ontario Inc.]

Recitals:

1. Sections 34 and 36 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 155 residential unit townhouse development by plan of subdivision and plan of common element condominium and to amend the development standards 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 of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, now City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding the following section to Section 10.3:

10.3.20 RM2-S20 Zone

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S20 only the following uses are permitted:

- a) The only permitted uses on common element lands shall be accessory uses, open space and infrastructure such as meter rooms, communal mailboxes, visitor parking, private roads and common amenity areas.
- b) The only permitted uses on parcels of tied land (lots) are multiple attached dwellings which, notwithstanding Section 4.50 of the by-law, are separate buildings divided vertically into two or more dwelling units each of which has

independent entrances to a front and rear yard, and may include accessory detached garages.

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S20 the following only shall apply:

- a) A maximum of 55 multiple attached dwelling units shall be permitted.
- b) A minimum total of 1 visitor parking space for every 3 dwelling units or part thereof shall be required on the common element lands.
- c) An accessory meter room shall be set back a minimum of 2.3 m. from a private road.
- d) For lots which are parcels of tied land, the following shall apply:
 - i) For the purposes of Section 5.27 of the by-law and the determination of a front lot line, frontage on a private road in a common element shall be considered frontage on a public street.
 - ii) Where a lot has frontage on both a public street and a private road in a common element, the front lot line will be deemed to be the lot line dividing the lot from the public street.

iii) Minimum lot area per dwelling unit 155 sq.m.

iv) Minimum lot frontage per dwelling unit 6.0 m.

v) Minimum front yard setback

	From a public street	From a private road
To a dwelling	3.5 m.	4.5 m.
To a garage door	Not permitted	6.0 m.

vi) Minimum exterior yard setback 3.5 m. to a public street
2.5 m. to a private road

vii) Minimum interior side yard setback 1.5 m. except where not adjacent to another lot in which case the minimum interior side yard requirement shall be 1.2 m. However no interior side yard setback is required where there is common wall between dwelling units on adjacent lots or a meter room in a common element.

- viii) Minimum rear yard setback 7.5 m. except where the rear yard abuts an Open Space Zone where the minimum rear yard setback shall be 6.0 m.
- ix) Maximum building height 10.5 m.
- x) Minimum landscaped open space 25%
- xi) A porch with a maximum height of 1.2 m. may encroach into the required front yard setback up to 1.5 m. Stairs may encroach an additional 1.0 m.
- xii) A deck with a maximum height of 1.8 m. may encroach up to 2.4 m. into a required rear yard setback. Stairs may encroach an additional 1.0 m.
- xiii) Each lot shall provide a minimum of two parking spaces either in a garage or on a private driveway.
- xiv) Notwithstanding Section 5.2 of the by-law, an accessory detached garage up to a maximum of 40 sq.m. and a maximum height of 5 m. may be permitted in the rear or side yard provided it is located at least 1.0 m. from a private road.
- xv) For corner lots, Section 5.4 of the by-law shall not apply. However, the front and exterior side yards of such corner lots shall be free of any hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m. measured from the finished grade of the streets that abut the corner lot.

1.03 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by adding the following section to Section 10.3:

10.3.21 RM2-S21 Zone

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S21 only the following uses are permitted:

- a) The only permitted uses on common element lands shall be accessory uses, open space and infrastructure such as meter rooms, communal mailboxes, visitor parking, private roads and common amenity areas.
- b) The only permitted uses on parcels of tied land (lots) are multiple attached dwellings which, notwithstanding Section 4.50 of the by-law, are separate buildings divided vertically into two or more dwelling units each of which has independent entrances to a front and rear yard, and may include accessory detached garages.

Notwithstanding the zone requirements of the RM2 Zone, on land zoned RM2-S21 the following only shall apply:

- a) A maximum of 100 multiple attached dwelling units shall be permitted.
- b) A minimum total of 1 visitor parking space for every 3 dwelling units or part thereof shall be required on the common element lands.
- c) An accessory meter room shall be set back a minimum of 2.3 m. from a private road.
- d) For lots which are parcels of tied land, the following shall apply:
 - i) For the purposes of Section 5.27 of the by-law and the determination of a front lot line, frontage on a private road in a common element shall be considered frontage on a public street.
 - ii) Where a lot has frontage on both a public street and a private road in a common element, the front lot line will be deemed to be the lot line dividing the lot from the public street.
 - iii) Minimum lot area per dwelling unit 160 sq.m.
 - iv) Minimum lot frontage per dwelling unit 6.0 m.
 - v) Minimum front yard setback

	From a public street	From a private road
To a dwelling	3.5 m.	4.5 m.
To a garage door	Not permitted	6.0 m.
 - vi) Minimum exterior yard setback 3.5 m. to a public street
2.5 m. to a private road
 - vii) Minimum interior side yard setback 1.5 m. except where not adjacent to another lot in which case the minimum interior side yard requirement shall be 1.2 m. However no interior side yard setback is required where there is common wall between dwelling units on adjacent lots or a meter room in a common element.
 - viii) Minimum rear yard setback 7.5 m.
 - ix) Maximum building height 10.5 m.

- x) Minimum landscaped open space 25%
- xi) A porch with a maximum height of 1.2 m. may encroach into the required front yard setback up to 1.5 m. Stairs may encroach an additional 1.0 m.
- xii) A deck with a maximum height of 1.8 may encroach up to 2.4 m. into a required rear yard setback. Stairs may encroach an additional 1.0 m.
- xiii) Each lot shall provide a minimum of two parking spaces either in a garage or on a private driveway.
- xiv) Notwithstanding Section 5.2 of the by-law, an accessory detached garage up to 40 sq.m. and a maximum height of 5 m. may be permitted in the rear or side yard provided it is located at least 1.0 m. from a private road.
- xv) For corner lots, Section 5.4 of the by-law shall not apply. However, the front and exterior side yards of such corner lots shall be free of any hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m. measured from the finished grade of the streets that abut the corner lot.

1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the "Residential One (R1)", "Residential Two (R2)" and "Future Residential (FR)" Zones to the "Residential Multiple Two Special Twenty (RM2-S20)" and "Residential Multiple Two Special Twenty-one (RM2-S21)" and "Parks and Open Space (OS)" for the land referred to as 'RM2-S20', 'RM2-S21' and 'OS', 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

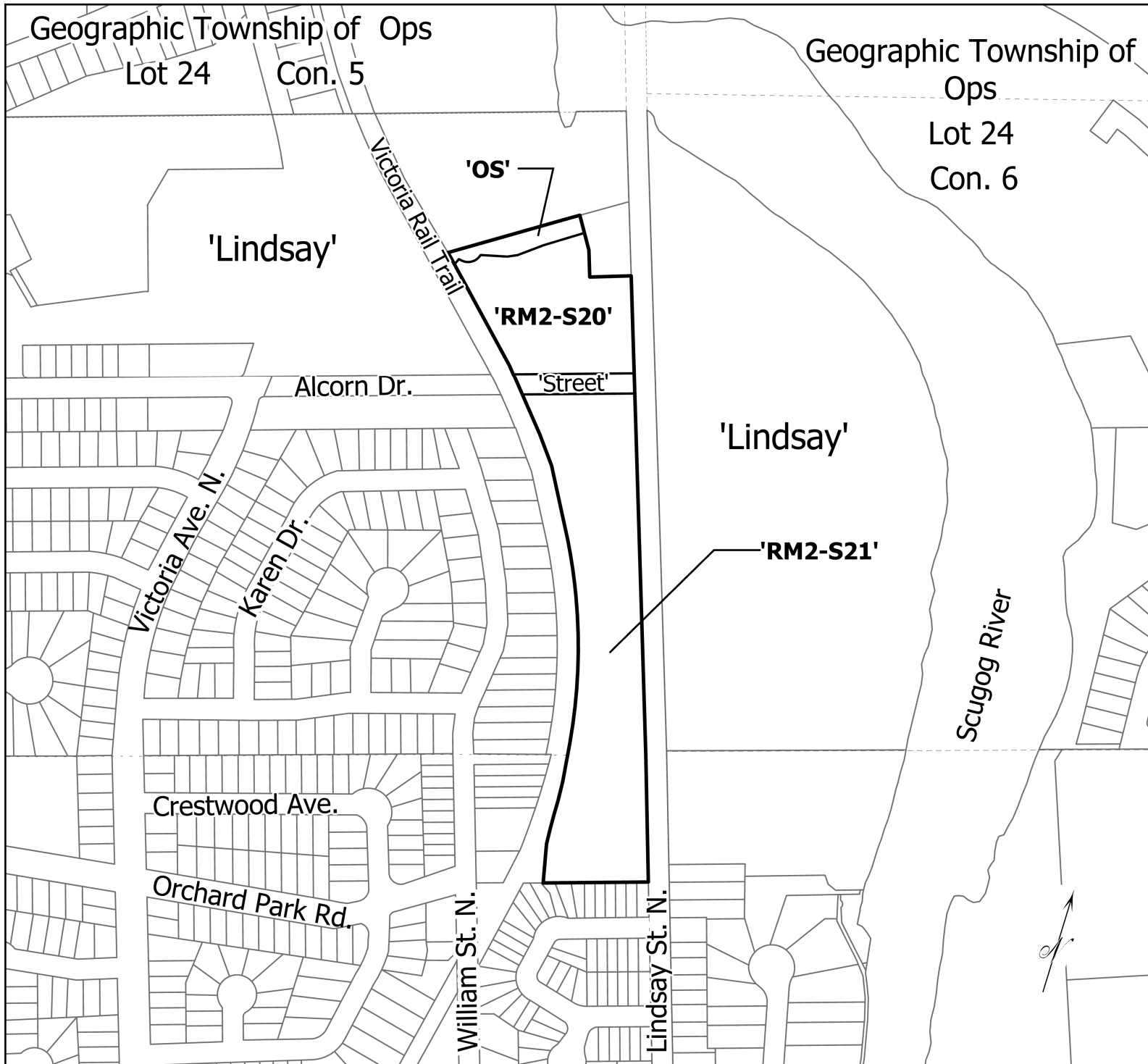
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law to Amend the City of Kawartha Lakes Official Plan to Redesignate Land within the City of Kawartha Lakes

File D01-2018-006, Report PLAN2019-057 and PLAN2020-016, respecting Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, 19 (and formerly 39) and 67 West Street North – Muskoka D&M Corp.

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 a revised application to amend the City of Kawartha Lakes Official Plan to include a Special Policy which amends the applicable requirements of the “Urban Settlement” – Fenelon Falls Fringe Area” land use designation under Section 18.10, to facilitate higher density development of the property now known municipally as 19 and 67 West Street North. In addition, an Environmental Protection Special Provision designation will protect the 15 metre shoreline buffer area, which will only permit limited recreational use and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access along with being enhanced with a buffer planting plan consisting of natural native vegetation to be implemented through a site plan agreement to protect the buffer area in perpetuity.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 32.

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 subject property affected by this By-law is described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, now in the City of Kawartha Lakes, which is part of the property now municipally known as 19 and 67 West Street North.
- 1.02 **Amendment:** Amendment No. 32 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. 32 To The Official Plan - The City of Kawartha Lakes

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the “Urban Settlement – Fenelon Falls Fringe Area” land use designation in the City of Kawartha Lakes Official Plan to include a Special Policy to permit a higher density residential development in the form of townhouse and apartment dwelling units. In addition, an Environmental Protection designation is being added to provide protection for the 15 metre shoreline buffer. The land is also subject to an application for zoning by-law amendment.

The effect of the change is to permit a residential condominium development consisting of 7 townhouse blocks and two five-storey apartment buildings with 4 residential floors and at grade parking below for a total of 86 dwelling units with an overall density of 44 dwelling units per gross hectare together with landscaped areas, private amenity areas and an internal road providing access to parking facilities and provide protection to the 15 metre shoreline area with a natural native vegetated buffer to be implemented through the site plan approval process with a planting plan.

B. Location

The subject land has a lot area of approximately 1.988 ha (4.913 ac.) and is situated on the boundary of the former Village of Fenelon Falls and is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) and includes waterfront property on Cameron Lake. The property is legally described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes and identified as 19 and 67 West Street North.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by EcoVue Consulting Services Inc. on behalf of the owner to permit the residential condominium development of the subject land. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to permit residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare. A minimum water setback of 15 metres will apply for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback is required for habitable buildings. In addition, the 15 metre shoreline buffer will have an Environmental Protection designation.

The land is designated “Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment to permit the residential uses and establish appropriate zone provisions for the proposed development through an implementing zoning by-law amendment.

The development will be subject to site plan approval to further define the details of the development such as parking areas and driveways, amenity spaces, pathways and sidewalks, landscaping, buffer areas and fencing, garbage collection and lighting and shoreline buffer area enhancement plantings.

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

1. The proposed use conforms with the relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The inclusion of a Special Policies to permit the residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare and the inclusion of a 15 metre Environmental Protection designation along the shoreline with specific water setback requirements is deemed to conform to the intent of the goals and objectives of the City of Kawartha Lakes Official Plan, as amended.
3. The proposed use is appropriate for the subject property, and will be compatible with established land uses and development in the area. The 15 metre shoreline buffer area will be re-designated as Environmental Protection with special provisions to protect natural heritage features and will be enhanced with a buffer planting plan consisting of natural native vegetation which will be refined and implemented through the site plan approval process to the satisfaction of the City and the Kawartha Region Conservation Authority.
4. The applicant has submitted background reports 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 constitutes Amendment No. 32 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. Section 18.10 - “Urban Settlement” – Fenelon Falls Fringe Area
Designation of the Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

18.10 SPECIAL PROVISIONS:

- “18.10.2. Notwithstanding the “Urban Settlement” – Fenelon Falls Fringe Area policies of Section 18.10 of this Plan to the contrary, on the subject land known municipally as 19 and 67 West Street North and described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, a residential development in the form of townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare is permitted.

Notwithstanding the policies identified within Section 3.11, a 15-metre water setback will be permitted for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback will be required for habitable buildings. Specific provisions related to above are to be outlined in the implementing zoning by-law.”

17.8 SPECIAL PROVISIONS:

- “17.8.2 On land designated Environmental Protection on the subject land known municipally as 19 and 67 West Street North and described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, in addition to a natural native vegetated buffer to be implemented with a planting plan, recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted. Specific provisions related to above are to be outlined in the implementing zoning by-law.”

2. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that a portion of the subject land that is designated Urban Settlement – Fenelon Falls Fringe Area is subject to Policy Provision 18.10.2 of the Official Plan, as shown on Map ‘A’.
3. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by changing the land use designation on a portion of the subject land from the Urban Settlement – Fenelon Falls Fringe Area to Environmental Protection which is subject to Special Policy Provision

17.8.2 of the Official Plan, as shown on Map 'A' as 'Land to Be Re-Designated Environmental Protection'.

F. Implementation and Interpretation

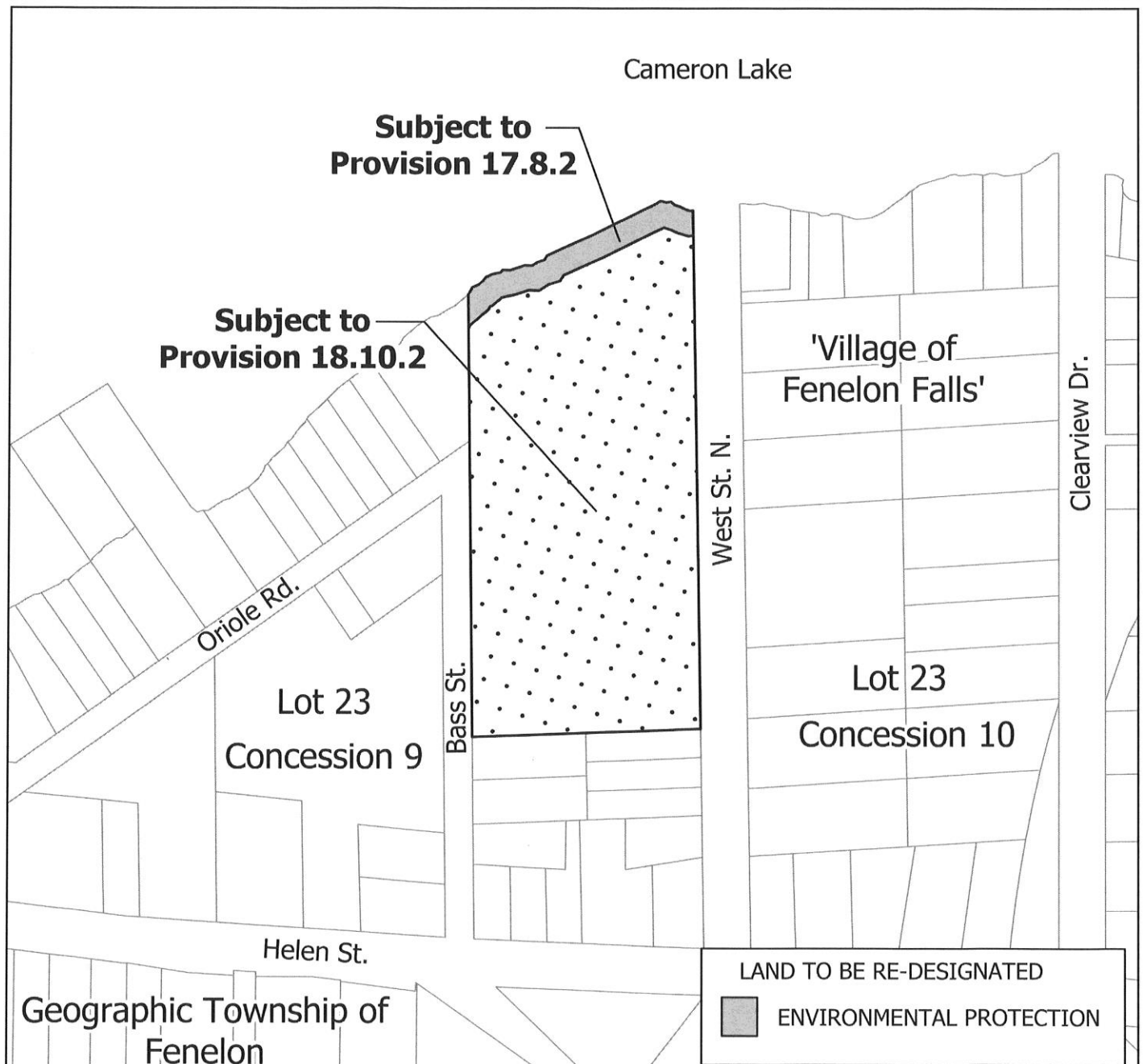
The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 32

To the City of Kawartha Lakes Official Plan



The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-028, Report PLAN2019-057 and PLAN2020-016, respecting Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19 (and formerly 39) and 67 West Street North – Muskoka D&M Corp.

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. Section 36 of the Planning Act authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. Council has received a revised application to amend the categories and provisions relating to a specific parcel of land to permit a residential condominium development consisting of townhouses and apartment buildings. In addition, to restrict development and require an enhanced buffer area planting plan within the environmentally protected area. A Holding (H) symbol shall be applied to ensure the property is subject to site plan control and the necessary requirements are met to file a record of site condition and to apply for and obtain a deeming by-law, if necessary to consolidate the shoreline lands with the balance of the lands.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, identified as 19 and 67 West Street North.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to replace Part 24 with the following:

“PART 24 MULTIPLE RESIDENTIAL (RM) ZONE

24.1 USES PERMITTED”

24.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Multiple Residential (RM) Zone, except for the following uses:

24.1.1.1 Townhouse Dwelling

24.1.1.2 Apartment Dwelling

24.1.1.3 Home Occupation

24.1.1.4 Accessory Uses, including private clubhouse with swimming pool

24.2 ZONE PROVISIONS

24.2.1 Notwithstanding any other provisions of this By-law to the contrary, the maximum number of dwelling units, minimum lot area requirement, minimum lot frontage requirement, minimum yard requirements, maximum lot coverage, minimum landscape open space, parking area requirements and notwithstanding those provisions regulating the maximum lot coverage and number of accessory buildings and structures as set forth under Section 3.1.3, to the contrary and all other regulatory provisions set forth under this subsection shall be determined on the basis of the entire area of those lands zoned within the Multiple Residential (RM) Zone including the area of the Environmental Protection Exception Eight (EP-8) Zone as if the lands were held under one ownership. No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Multiple (RM) Zone, except in conformity with the following zone provisions:

24.2.1.1	Minimum Lot Area (per dwelling unit)	228 square metres
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24.2.1.2	Minimum Lot Frontage (Bass Street)	122 metres
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24.2.1.3	Yard Requirements (min.)	
(a)	front (West St. N. - townhouse dwellings)	3.5 m
(b)	front (West St. N. - apartment dwellings)	7.8 m
(c)	interior side (south)	9.5 m
(d)	rear (Bass Street - townhouse dwellings)	3.0 m
(e)	rear (Bass Street - apartment dwellings)	9.0 m
(f)	water setback (min.)	15 m
(g)	water setback (min.) for habitable buildings	20 m

24.2.1.4	Lot Coverage (max. - all buildings and structures)	35 %
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24.2.1.5	Building Height (max.)	
(a)	apartment dwellings	16.5 m
(b)	townhouse dwellings	11 m

24.2.1.6	Gross Floor Area (min. per dwelling unit) (a) apartment dwellings (b) townhouse dwellings	90 sq. m. 100 sq. m
24.2.1.7	Minimum Landscape Open Space	35%
24.2.1.8	Density (max. dwelling units per lot)	86
24.2.1.9	Maximum number of condominium Apartment Dwelling buildings	2
24.2.1.10	Maximum number of condominium Townhouse Dwelling blocks	7
24.2.1.11	Maximum number of Townhouse units	26
24.2.1.12	Minimum driveway length to private road	6 m
24.2.1.13	Notwithstanding subsection 3.1.4.1 (c), balconies, canopies, unenclosed porches or decks and steps for waterfront townhouse units may project into a yard with a minimum water setback of 15 metres and subsection 3.1.2.3 does not apply	
24.2.1.14	Notwithstanding subsection 3.14.1.5, a minimum parking stall length of 5.7 metres on land zoned 'RM' is permitted.	
24.2.1.15	Notwithstanding subsections 3.18.1.1 and 3.13.1, the minimum setback to the Environmental Protection Exception Eight (EP-8) Zone shall be 5 metres for habitable buildings and 0 metres for non-habitable accessory structures and the EP-8 zone boundary shall not be considered a lot line for interpreting the provisions of this by-law.	
24.2.1.16	Notwithstanding Part 2 – Definitions for Lot Line, Front and Section 3.18.3 with respect to Through Lots, the front lot line will be considered as West Street North.	
24.2.1.17	Notwithstanding the provisions of Section 3.6 to the contrary, no provision of this By-law shall apply to prevent the erection of a building or structure permitted within the Multiple Residential (RM) Zone where access is provided by means of a private road which provides direct access to an improved public street or road maintained year round.	
24.2.1.18	On land zoned RM, the removal of the (H) holding symbol shall be in accordance with the following:	

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements.
- iii) The owner shall apply for and obtain a deeming by-law, if required to consolidate the shoreline lands with the balance of the subject land.”

1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Part 5:

“5.3.8 ENVIRONMENTAL PROTECTION EXCEPTION EIGHT(EP-8) ZONE

Notwithstanding the permitted uses in Section 5.1 and 5.2, on land zoned EP-8, a natural native vegetated buffer is to be provided with a planting plan to the satisfaction of Kawartha Conservation and recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted.

On land zoned EP-8, the removal of the (H) holding symbol shall be in accordance with the following:

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements, if required.”

1.04 **Schedule Amendment:** Schedule ‘G’ to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the “Future Residential Development (FRD) Zone” and “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Multiple Residential (RM) (H) Zone” and to change the zone category from the “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Environmental Protection Exception Eight (EP-8)(H) Zone” for the land referred to as ‘RM (H)’ and ‘EP-8 (H)’, 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

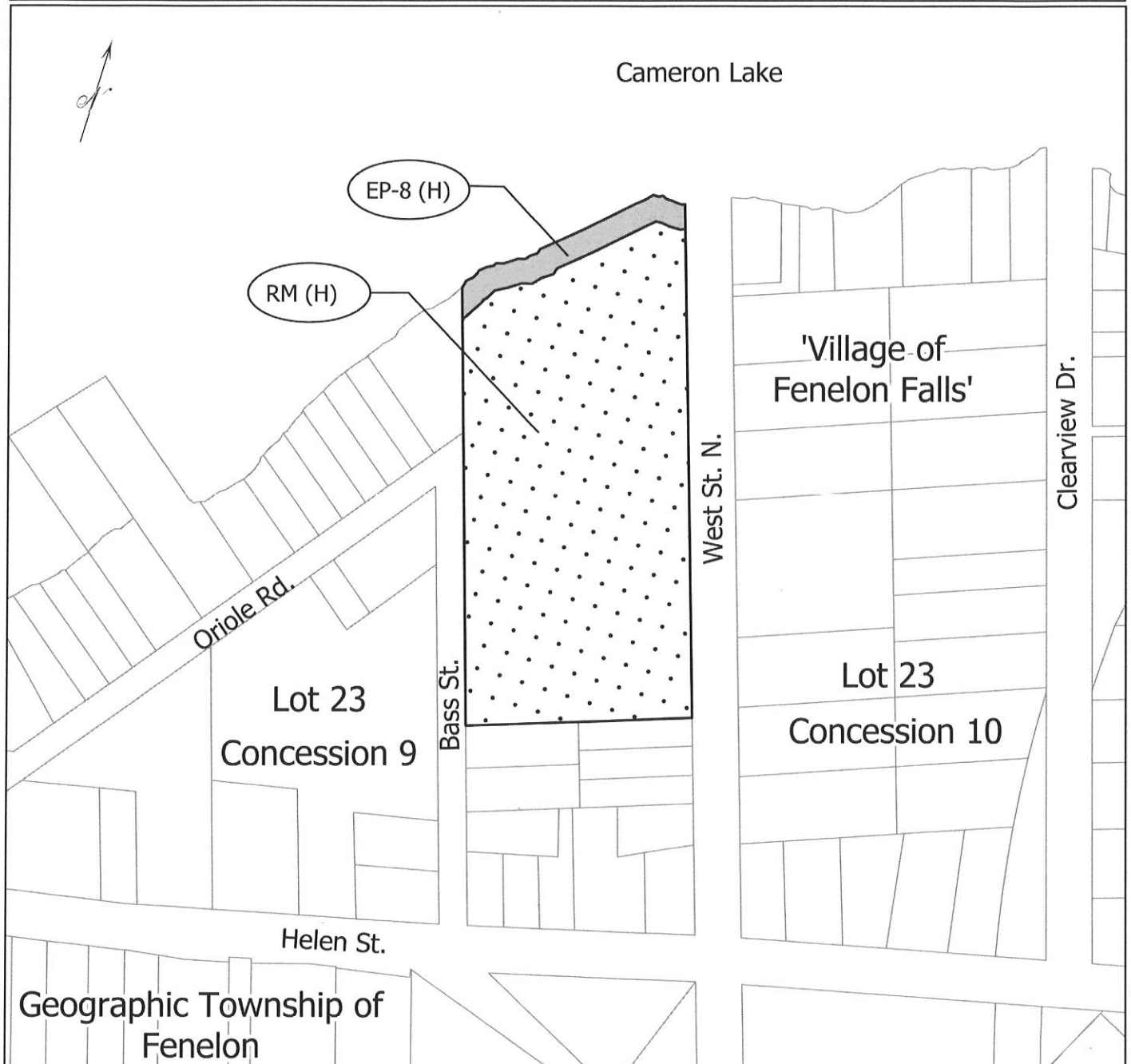
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

By-law 2020-XXX

A By-law to Assume Cloverlea Phase 3 Subdivision, Plan 57M-800, specifically Blueberry Lane, PIN: 63237- 1786, Brackendale Trail, PIN: 63237-1787, Briarwood Avenue, PIN: 63237-1788, Broad Street, PIN: 63237-1789, Commerce Road, PIN: 63237-1790, and Silverbrook Avenue, PIN: 63237-1791, the 0.3 metre reserves, Blocks 87, 88, 89, and 90, PIN: 63237-1782, 63237-1783, 63237-1784, and 63237-1785, respectively, Trail Blocks 83, 84, and 85, PINs: 63237-1778, 63237-1779, and 63237-1780, respectively and the Stormwater Management Pond, Block 82, PIN: 63237-1777, 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 Blueberry Lane, Brackendale Trail, Briarwood Avenue, Broad Street, Commerce Road, and Silverbrook Avenue, Plan 57M-800, 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 Blueberry Lane, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- b) The road known as Brackendale Trail, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- c) The road known as Briarwood Avenue, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- d) The road known as Broad Street, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- e) The road known as Commerce Road, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- f) The road known as Silverbrook Avenue, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.

2.02 **Assumption:** The following facilities are assumed by the City:

- a) The stormwater management pond, Plan 57M-800, Geographic Town of Lindsay, City of Kawartha Lakes.
- b) The trail, Plan 57M-800, 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 June, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-law 2020-XXX

A By-Law to Confirm the Proceedings of a Special Meeting of Council, Tuesday, May 26, 2020

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

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

Section 1.00: Confirmation

- 1.01 The actions of the Council at the following meeting:

Tuesday, May 26, 2020, Open Session, Special Council Meeting

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

- 1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

- 2.01 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 26th day of May 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk