

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2020-04

Wednesday, August 12, 2020

Special Meeting - Commencing at 1:00 p.m. - Electronic Public Participation

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Tammy Smith

Jason Willock

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To request to speak to public meeting reports on this agenda please email clerks@kawarthalakes.ca and reference the report number in your email. Following receipt of your email you will receive instruction from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to agendaitems@kawarthalakes.ca and reference the report number in the subject line.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1	PLAN2020-026	7 - 18
	Richard Holy, Manager of Planning An application to amend the Oak Ridges Moraine Zoning By-law 2005-133 and the Township of Manvers Zoning By-law 87-06 on land described as Part Lot 24, Concession 8, geographic Township of Manvers - Woodland Hills Community Inc.	
3.1.1	Public Meeting	
3.1.2	Business Arising from the Public Meeting That Report PLAN2020-026, Woodland Hills Community Inc. – D05-31-015 and D06-2018-014 , be received; and That PLAN2020-026 respecting Applications D05-31-015 and D06-2018-014 be referred back to staff to address any issues raised through the public consultation process and that any comments and concerns have been addressed.	
3.2	PLAN2020-027	19 - 32
	Ian Walker, Planning Officer - Large Developments Application to amend the Village of Fenelon Falls Official Plan, Village of Fenelon Falls Zoning By-law 89-25, and the Township of Fenelon Zoning By-law 12-95 on property identified as 126 and 130 Lindsay Street, and 573 Kawartha Lakes Road 121, Fenelon Falls - Farley Bear Inc.	
3.2.1	Public Meeting	

3.2.2 Business Arising from the Public Meeting

That Report PLAN2020-027, Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon, Farley Bear Inc. – Applications D01-2020-003 and D06-2020-014, be received; and

That PLAN2020-027 respecting Applications D01-2020-003 and D06-2020-014 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

3.3 PLAN2020-028

33 - 46

David Harding, Planner II

An application to amend the Township of Fenelon Zoning By-law 12-95 on land described as Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 4027 Highway 35 - Teubner (2324784 Ontario Inc.)

3.3.1 Public Meeting

3.3.2 Business Arising from the Public Meeting

That Report PLAN2020-028, Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 4027 Highway 35, 2324784 Ontario Inc. – D06-2019-030, be received;

That a Zoning By-law Amendment respecting application D06-2019-030, substantially in the form attached as Appendix D to Report PLAN 2020-028, be approved and adopted by Council; and

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

David Harding, Planner II

An application to amend the Township of Somerville Zoning By-law 78-45 on lands described as Part of Lots 10-12 Front Range, geographic Township of Somerville identified as 34 and 44 Royal Cedar Road - Ellis, Walker, and Canada Royal Resort Inc.

3.4.1 Public Meeting

3.4.2 Business Arising from the Public Meeting

That Report PLAN2020-029, Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, identified as 34 and 44 Royal Cedar Road, Canada Royal Resort Inc., Robert and Elizabeth Ellis, Robert Walker and Peter Walker – D06-2020-002, be received;

That a Zoning By-law Amendment respecting application D06-2020-002, substantially in the form attached as Appendix D to Report PLAN 2020-029, be approved and adopted by Council; and

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

Kent Stainton, Planner II

An application to amend the Township of Mariposa Zoning By-law 94-07 on land described as Part Lot 20, Concession 8, geographic Township of Mariposa, identified as 1220 Highway 7, Oakwood - Davidson

3.5.1 Public Meeting

3.5.2 Business Arising from the Public Meeting

That Report PLAN2020-030, respecting Part Lot 20, Concession 8, geographic Township of Mariposa, and identified as 1220 Highway 7 – Application D06-2020-012, be received;

That a Zoning By-law Amendment respecting application D06-2020-012, substantially in the form attached as Appendix D to Report PLAN2020-030, be approved and adopted by Council; and

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

Mark LaHay, Planner II

An application to amend the Township of Mariposa Zoning By-law 94-07 on land described as Part Lot 10, Concession 12, geographic Township of Mariposa, identified as 1095 White Rock Road, Woodville - Bedard Sand and Gravel Limited

3.6.1 Public Meeting

3.6.2 Business Arising from the Public Meeting

That Report PLAN2020-031, respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004, be received; and

That the application respecting the proposed 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.

Mark LaHay, Planner II

Applications to amend the Village of Bobcaygeon Zoning By-law 16-78, and a Draft Plan of Condominium on land described as Part Lots 12 and 13, Concession 19, Part Lot 40, former Village of Bobcaygeon, identified as Lakewood Crescent, Bobcaygeon - Port 32 Inc.

3.7.1 Public Meeting

3.7.2 Business Arising from the Public Meeting

That Report PLAN2020-032, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, Port 32 Inc. – Applications D06-17-028 & D04-17-001, be received; and

That the applications respecting the proposed Zoning By-law Amendment and the Draft Plan of Condominium 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.

4. Deputations

5. Correspondence

6. City of Kawartha Lakes Reports

6.1 Memorandum

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Anna Kalnina, Planner II

Proposed Amendment One to A Place to Grow: A Growth Plan for the Greater Golden Horseshoe and Proposed Land Needs Methodology

That the August 12, 2020 Planning Advisory Committee Memorandum from Anna Kalnina regarding the **Proposed Amendment One to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Proposed Land Needs Assessment Methodology**, be received.

7. Adjournment

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-026

Meeting Date: August 12, 2020

Title: Zoning By-law Amendment for Woodland Hills Community Subdivision, Bethany

Description: An application to amend the Oak Ridges Moraine and Township of Manvers Zoning By-laws to harmonize development standards to permit 5 lots to develop

An application to amend the Township of Manvers Zoning By-law to decrease the size of 5 lots fronting on future Country Place to accommodate a municipal stormwater management block and to replace the commercial block fronting Ski Hill Road between Rustlewood Avenue and Country Place with a stormwater management pond and 3 residential lots

Part Lot 24, Concession 8, geographic Township of Manvers, Future Horizon Court and Country Place, Bethany (Woodland Hills Community Inc.)

Ward Number: Bethany – Ward 8

Author and Title: Richard Holy, Manager of Planning

Recommendations:

That Report PLAN2020-026, **Woodland Hills Community Inc. – D05-31-015 and D06-2018-014**, be received; and

That PLAN2020-026 respecting Applications D05-31-015 and D06-2018-014 be referred back to staff to address any issues raised through the public consultation process and that any comments and concerns have been addressed.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Woodland Hills Community subdivision in Bethany has been developing for the past couple of decades along Ski Hill Road in the northeast portion of Bethany (see Appendix A). The initial subdivision agreement dated September 28, 1995 was for the first phase of development along Woodland Trail. Subsequent phases have been based on a subdivision agreement that was registered just prior to amalgamation on December 21, 2000. The agreement allows the developer to register subsequent plans of subdivision and develop the phases subject to conditions contained in the agreement. The agreement contains various development and engineering standards as well as requirements for payments to the City.

The first part of the proposal property is a technical amendment. There are five lots along Horizon Court that are subject to both the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law. The Oak Ridges Moraine Zoning By-law limits are based on the area limits provided through the Oak Ridges Moraine Conservation Plan. These limits are absolute and cannot be changed or amended to reflect existing lot patterns. Appendix C identifies the dividing line between the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law on the Horizon Court portion of the proposed subdivision. Technically, these five lots don't meet the requirements for either Zoning By-law, rendering them undevelopable. The owner has submitted an application to the City to amend the Oak Ridges Moraine Zoning By-law and the Township of Manvers Zoning By-law to harmonize the zoning provisions to facilitate development.

The second part of the proposal is driven by new infrastructure requirements. Based on current Ministry of Environment, Conservation and Parks stormwater management criteria, a stormwater management facility will need to be constructed to accommodate the remaining development within this plan of subdivision. The City also requires that blocks conveying stormwater be dedicated to the City rather than having easements over private property. This impacts the design of the subdivision in the following manner.

- The block resulting from the stormwater conveyance channel north of Lots 3 to 7 means that these lots no longer meet the minimum lot area under the Township of Manvers Zoning By-law and need to seek relief from the minimum lot area of 0.4 ha.
- A new stormwater management facility is proposed to be constructed on the commercial block that is located along Ski Hill Road between Rustlewood Avenue and Country Place. The facility is located at the base where the stormwater conveyance block ends, limiting the development options for the commercial block. With the changes in the retail environment over the past several decades, smaller neighbourhood commercial blocks often struggle to retain tenants or are rezoned for other uses if they haven't been developed to date. As a result, the owner has

decided to replace the commercial block with the stormwater management facility and three residential lots.

Owner:	Woodland Hills Community Inc.
Applicant:	Donald Kerr
Legal Description:	Part Lot 24, Concession 8, geographic Township of Manvers
Official Plan:	Oak Ridges Moraine Rural Settlement Area in the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104) Hamlet in the City of Kawartha Lakes Official Plan
Zoning:	Rural Residential Type One Exception Six (RR1-S6) Zone in the Oak Ridges Moraine Zoning By-law 2005-133 Rural Residential Type Two Exception Fourteen (RR2-S14) Zone and Holding-General Commercial Exception Two (C1-S2(H)) Zone in the Township of Manvers Zoning By-law 87-06
Site Size:	Approximately 16.8 ha (41.6 ac.)
Site Servicing:	Private individual well and septic systems with roadside ditches
Adjacent Uses:	North: Hamlet residential East: Vacant land for future hamlet residential uses South: Hamlet residential West: Hamlet residential

Rationale:

The property is located on the east side of Ski Hill Road just north of Hwy 7A and proposes 35 hamlet residential lots (See Appendix B). With the exception of 8 lots, all other lots are at least 0.4 hectares (1 acre) in size. The subject property would represent the final development area of draft plan of subdivision 16T-88012 and would largely complete development along Ski Hill Road towards existing residential development along Hwy 7A. The owner recently registered a three lot subdivision Plan 57M-807 on Tall Cedar Lane, which is along the northeastern edge of this Plan.

The applicant has submitted the following reports in support of the proposal.

1. Hydrogeological Letter Report, WSP, July 19, 2019 and August 1, 2019. The report identifies existing background geotechnical and hydrogeological documents in support of lot revisions.
2. Water Balance Study and Phosphorus Balance Study, WSP, May 14, 2019. The study reviews the water balance for the site (ie. the amount of

run-off versus the amount of infiltration) and the amount of phosphorus being loaded onto the site from development.

Provincial Policies:

Oak Ridges Moraine Conservation Plan, 2017 (2017 ORMCP):

These lands are located within the Rural Settlement area of Bethany within the 2017 ORMCP. The overall goals of the plan are to protect and restore the natural environment. Permitted uses within the designation include residential, small-scale commercial, industrial, and institutional uses. The owner has provided the necessary background studies to demonstrate that the proposal will support the policies of the 2017 ORMCP.

Based on a review of the proposal, Staff feel that the application conforms with the 2017 ORMCP.

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

These lands are located within the 'Hamlet Settlement Area' boundary of Bethany. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The Growth Plan directs development to settlement areas, with limited growth in areas that are not serviced by existing or planned municipal water and wastewater systems.

Section 3.2.7 of the Growth Plan provides that subdivision development should include stormwater management facilities that incorporate low impact development measures.

Based on a review of the proposal, Staff feel that the application conforms with the 2019 Growth Plan.

Provincial Policy Statement, 2020 (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.

Based on a review of the proposal, Staff feel that the application conforms with the 2020 PPS.

Official Plan Conformity:

City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)

The subject lands are designated 'Rural Settlement' on Schedule '2' of the City's Oak Ridges Moraine Policy Area and located within an area of Low Aquifer Vulnerability and Category 2 Landform Conservation Area. Permitted uses in the 'Rural Settlement' designation include residential, small-scale commercial, industrial and institutional uses that serve the hamlet and surrounding rural areas.

The owner's engineer has submitted a water balance study for review, which would satisfy the policy requirements to address aquifer vulnerability.

The policies related to landform conservation are designed to preserve landforms, minimize site alteration and to maximize imperviousness. Through the zoning by-law amendment and the engineering design, staff will ensure that low impact design features are incorporated where possible.

On this basis, the application conforms to the Official Plan.

City of Kawartha Lakes Official Plan:

The subject lands are designated 'Hamlet Settlement Area' on Schedule 'A-1' of the City's Official Plan. Permitted uses in this designation include residential, commercial, institutional, and employment uses that serve the hamlet and surrounding rural areas.

Development on individual services requires a hydrogeological study to confirm there is an adequate supply of water and that the development can be serviced through septic systems. The commercial block is being converted to residential and infrastructure uses. A hydrogeological and geotechnical letter report was submitted in support of the application, which confirmed that the development was supportable.

The hamlet policies state that new lots should have a minimum lot area of 0.4 hectares. In this case, the eight undersized lots will have lot areas ranging between 0.338 hectares up to 0.399 hectares, resulting in an average lot size of 0.366 hectares. The applicant's engineer has provided information to support the reduction in lot sizes.

On this basis, the application conforms to the Official Plan.

Zoning By-Law Compliance:

Oak Ridges Moraine Zoning By-law:

The lots along future Horizon Court are zoned 'Rural Residential Type One Exception Six (RR1-S6) Zone' in the Oak Ridges Moraine Zoning By-law 2005-133. Permitted uses include a single detached dwelling and a home business.

The proposal would not change the permitted uses but only harmonize development standards with the Township of Manvers Zoning By-law.

Township of Manvers Zoning By-law:

The lots on future Horizon Court are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. Permitted uses include a single detached dwelling, a converted dwelling, and a home occupation. The proposal would not change the permitted uses but only harmonize development standards with the Oak Ridges Moraine Zoning By-law.

The commercial block along Ski Hill Road is zoned 'Holding-General Commercial Exception Two (C1-S2(H)) Zone' and the lots on Country Place are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. The application proposes to reduce the minimum lot size to 0.338 hectares to accommodate the stormwater management conveyance block, which will be placed in an open space zoning. The commercial block will be rezoned to a rural residential zone to permit the new residential lots and an open space zone to permit the stormwater management facility.

Other Alternatives Considered:

No other options were considered at this time.

Financial/Operation Impacts:

There are no financial impacts unless Council's decision to approve or refuse to approve 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

This application aligns with the Vibrant and Growing Economy and Exceptional Quality of Life priorities by attracting new residents and providing growth in our rural hamlets areas; and aligns with the Healthy Environment priority by

promoting sustainable development through the construction of new stormwater management systems to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented as necessary through the Ontario Building Code (OBC).

Servicing Implications:

The proposed development will be serviced by individual private well and septic systems as well as roadside ditches.

Consultations:

The public meeting notice was mailed to all residents within a 120 metre radius of the property and a Public Meeting sign was placed on the Ski Hill Road property frontage. As of the writing of this report, no comments have been received from the public on the proposal.

The application was also sent to all relevant agencies for comment.

The Engineering Department has no concerns with the proposed rezoning. They will be reviewing the engineering submission to finalize the stormwater management facility design in conjunction with KRCA.

The Building Division has no concerns with the proposal. WSP has provided the effluent dilution calculations based on this new lot sizing and have reported that the proposed lot sizes will provide adequate dilution to meet applicable standards by the property line.

KRCA has no objections to the revisions posed through the rezoning. They will be reviewing the engineering submission to finalize the stormwater management facility design in conjunction with the City.

The Curve Lake First Nation has no objections to the proposal as they are not aware of any issues that would cause concern with their Traditional, Aboriginal, or Treaty rights. Should construction or excavation unearth any human remains, they must be notified without delay.

The Ministry of Municipal Affairs and Housing has no concerns with the proposal but verbally advised that the limit of the Oak Ridges Moraine Conservation Plan cannot be adjusted. Therefore, the limits of the Oak Ridges Moraine Zoning By-law must remain in place and these five lots will have split zoning between the Township of Manvers and Oak Ridges Moraine Zoning By-laws.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2017 ORMCP, 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Oak Ridges Moraine Policy Area and the Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards for the residential lots fronting on Country Place, Rustlewood Avenue and Horizon Court.

Staff would also advise that the proposed changes to the subdivision plan require minor changes to the draft plan conditions which can be dealt with at the staff level once the zoning is in place.

An amending subdivision agreement will also be prepared for this subdivision plan and will be brought forward to Planning Advisory Committee for approval.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred back to staff to address any issues raised by the public at the meeting.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Manager of Planning, (705) 324-9411 extension 1246.

Appendix A – Location Map



PLAN2020-026 -
Appendix A.pdf

Appendix B: New Lot Layout – Woodland Hills Community Inc.



PLAN2020-026 -
Appendix B.pdf

Appendix C – Oak Ridges Moraine Zoning By-law Limit



PLAN2020-026 -
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D05-31-015 and D06-2018-014

Geographic Township of Manvers

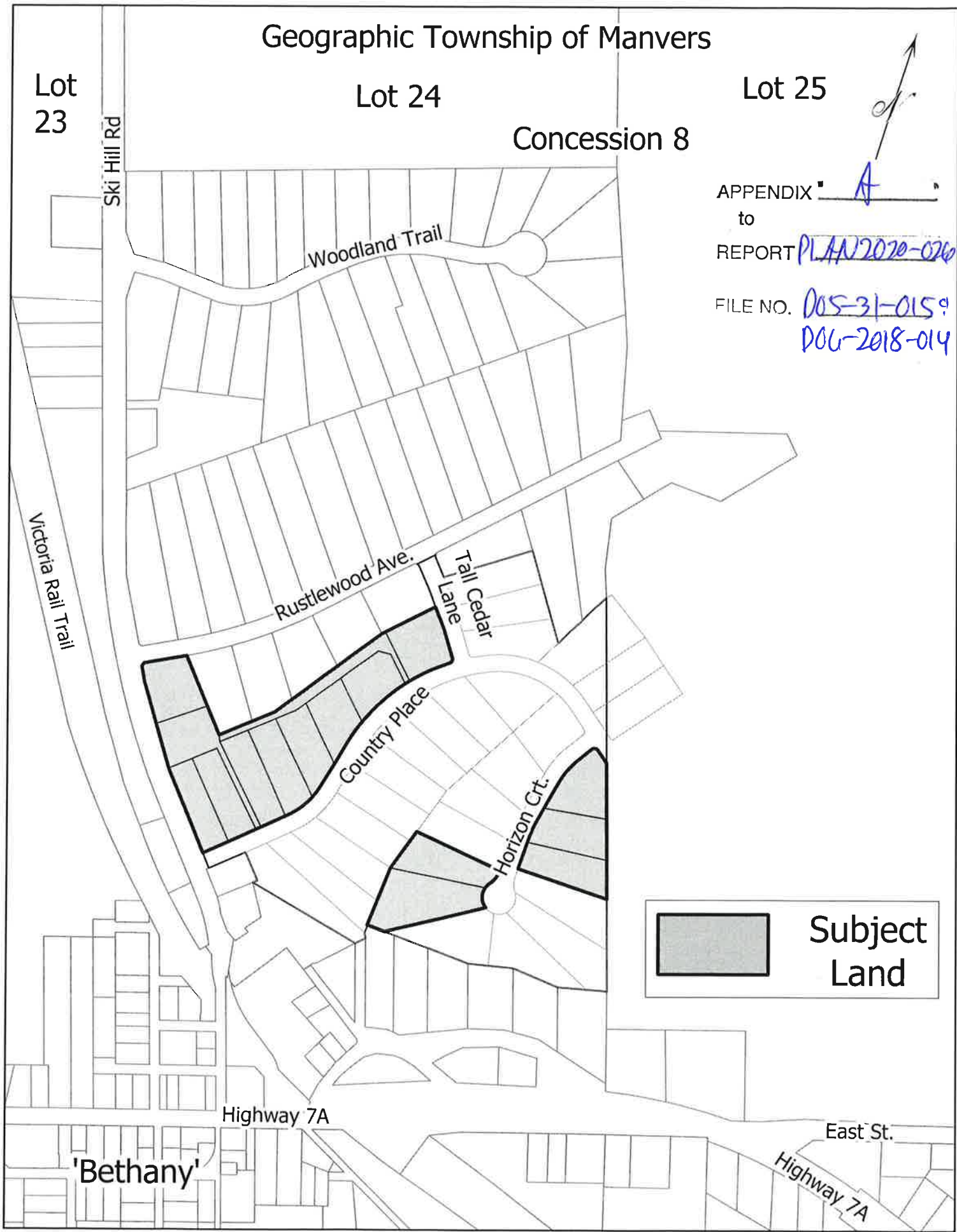
Lot 23

Lot 24

Lot 25

Concession 8

APPENDIX A
to
REPORT PLAN 2020-0260
FILE NO. D05-31-0159
D06-2018-014



LEGEND
 ■ DENOTES SURVEY / MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT 317
 S/D DENOTES SHORT STANDARD IRON BAR
 S/D DENOTES STANDARD IRON BAR
 9 DENOTES 9/16" IRON BAR
 P/D DENOTES PLASTER BAR
 1/2" DENOTES 1/2" IRON BAR
 1/4" DENOTES 1/4" IRON BAR
 1/8" DENOTES 1/8" IRON BAR
 1/16" DENOTES 1/16" IRON BAR
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 1/64" DENOTES 1/64" IRON BAR
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The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-027

Meeting Date: **August 12, 2020**

Public Meeting

Title: Official Plan and Zoning By-law Amendments to permit a Home Hardware Building Centre

Description: Applications to amend the Village of Fenelon Falls Official Plan; Village of Fenelon Falls Zoning By-law; and Township of Fenelon Zoning By-law to permit the conversion and expansion of the existing Home Hardware retail store into a full Home Hardware Building Centre on the properties identified as 126 and 130 Lindsay Street, Fenelon Falls; and 573 Kawartha Lakes Road 121, Fenelon (Farley Bear Inc.)

Ward Number: **Ward 3 – Fenelon Falls and Fenelon**

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

Recommendations:

That Report PLAN2020-027, Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon, Farley Bear Inc. – Applications D01-2020-003 and D06-2020-014, be received; and

That PLAN2020-027 respecting Applications D01-2020-003 and D06-2020-014 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Background:

The applicant has submitted applications for an official plan amendment and two zoning by-law amendments. The proposal is to change the following:

- Amend the land use designation in the Fenelon Falls Official Plan from the 'Low Density Residential' designation to the 'District Commercial' designation for 126 and 130 Lindsay Street;
- Change the zone category in the Fenelon Falls Zoning By-law from the 'Residential Type One (R1) Zone' to a 'District Commercial Exception ** (C2-**) Zone' to correspond with the change in designation noted above; and
- Amend the zone provisions and general provisions in the Township of Fenelon Zoning By-law within the existing 'Highway Commercial Exception Seven (C2-7) Zone' for 573 Kawartha Lakes Road 121;

The purpose of these amendments is to permit the conversion of, and expansion to the existing Home Hardware store into a full Home Hardware Building Centre.

Owner:	Farley Bear Inc. c/o Dave and Nancy Jackett
Applicant:	Clark Consulting Services c/o Bob Clark
Legal Description:	126 Lindsay Street – Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; 130 Lindsay Street – Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and 573 Kawartha Lakes Road 121 – Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon
Designation:	126 and 130 Lindsay Street – 'Low Density Residential' on Schedule 'A' of the Village of Fenelon Falls Official Plan; and 573 Kawartha Lakes Road 121 – 'Urban Settlement Area' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan
Zone:	126 and 130 Lindsay Street – 'Residential Type One (R1) Zone' on Schedule 'A' of the Village of Fenelon Falls Zoning By-law Number 89-25; and 573 Kawartha Lakes Road 121 – 'Highway Commercial Exception Seven (C2-7) Zone' on Schedule 'G' of the Township of Fenelon Zoning By-law Number 12-95

Lot Area:	11,839 square metres [2.93 acres] combined
Site Servicing:	Full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	126 and 130 Lindsay Street – Vacant Residential Land 573 Kawartha Lakes Road 121 – Commercial Retail Store (Home Hardware)
Adjacent Uses:	<div>North: Low Density Residential; Royal Canadian Legion; Restaurant (Godfather's Pizza)</div> <div>East: Lindsay Street; West Street South; Motel and Gas Bar (Ultramar); Low Density Residential; Beer Store</div> <div>South: Kawartha Lakes Road 121; Motor Vehicle Supply Store (MAP); Motor Vehicle Sales (Memory Lane Motors); Self Storage</div> <div>West: Commercial Retail Store (Canadian Tire); Vacant Residential and Commercial (Draft Plan Approved Subdivision)</div>

Rationale:

The properties are located on the west side of Kawartha Lakes Road 121 and Lindsay Street, at the edge of the former Village of Fenelon Falls, opposite the intersection of West Street South. See Appendix 'A'. The subject properties are located in a mixed use area with commercial retail stores on the west side of Kawartha Lakes Road 121 (within the former Township boundary) and residential dwellings on the west side of Lindsay Street (within the former Village of Fenelon Falls boundary); the Royal Canadian Legion and Godfather's Pizza to the north; a motel with Ultramar gas bar, single detached dwellings, and Beer Store on the east side of Lindsay Street; and automotive sales (Memory Lane Motors) and parts (MAP) stores to the south respectively. See Appendix 'B'.

The properties at 126 and 130 Lindsay Street are currently vacant, and consist of approximately 2,407 square metres (0.59 acres). The property at 573 Kawartha Lakes Road 121 is currently improved with a Home Hardware retail store, and consists of approximately 9,066 square metres (2.24 acres). The applicant is applying on behalf of the owner to re-designate and rezone the properties to allow for the conversion of the existing Home Hardware retail store into a full Home Hardware Building Centre. The proposal will consolidate the three properties into one parcel. See Appendix 'C'.

Site specific development standards are being requested, including (but not limited to):

- A reduction in parking (from 98 spaces to approximately 79 spaces);
- A reduction to an interior side yard abutting a non-residential use (from 12 metres to approximately 2 metres);

- A reduction to the rear yard (from 12 metres to approximately 7 metres);
- An increase to maximum lot coverage (from 30% to approximately 35%);
- A reduction to the minimum landscaped open space (from 20% to approximately 15%); and
- A reduction to the loading space requirement (from 3 spaces to 1 space).

In addition, as there will be split zoning on the site (2 separate zones, as the site falls within the jurisdiction of 2 different Zoning By-laws), a provision will be required within the zoning for each site which treats the 2 separate 'zones' and Zoning By-laws as one in both Zoning By-laws for the purposes of this proposal.

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

1. Planning Justification Report prepared by Clark Consulting Services, dated July 2019 and last revised July 2020. The report discusses and assesses the proposal in the context of the 2020 Provincial Policy Statement (PPS, 2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the Village of Fenelon Falls and City of Kawartha Lakes Official Plans; the Council adopted and appealed Fenelon Falls Secondary Plan; and the Village of Fenelon Falls Zoning By-law 89-25 and Township of Fenelon Zoning By-law 12-95.
2. Functional Servicing Report prepared by M.V. Wilson Engineering Inc., dated January 2020. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
3. Traffic Memo prepared by M.V. Wilson Engineering Inc., dated March 9, 2020. The memo discusses and assesses the proposal in context of existing and proposed entrances, and required on-site truck movements.
4. Floodline Mapping Report prepared by Sanchez Engineering Inc., dated December 23, 2019. The report examines the hydrologic analysis and hydraulic calculations used to delineate the floodlines on the site.
5. Stormwater Management Report prepared by Sanchez Engineering Inc., dated December 20, 2019. The report discusses and assesses the proposal in the context of the existing and proposed drainage, and stormwater management measures for controlling drainage.
6. Geotechnical Investigation Report prepared by GHD Limited, dated August 8, 2019. The report examines the existing soil and subsurface conditions of the site.

7. Urban Design Brief prepared by Clark Consulting Services, dated January, 2020. The report discusses the context of the proposal based on site and neighbourhood and architectural design principles, etc.
8. Legal opinion prepared by James R. Webster, Solicitor, dated April 22, 2020. The opinion confirms that a Deeming By-law and conveyance will be required for the parcels to legally consolidate on title.
9. Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated April 13, 2020.
10. Site Plan and Engineering Drawings prepared by M.V. Wilson Engineering Inc., January 16, 2020.
11. Site Plan Cost Estimate prepared by M.V. Wilson Engineering Inc., not dated.
12. Architectural Drawings prepared by Joel Gerber Architect, dated January 14, 2020.

All the reports and drawings have been circulated to the applicable City departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment, and until such time as all commenting agencies and/or City departments comments and/or concerns have been addressed.

Provincial Policies:

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

These lands are identified as being within the 'Settlement Area' of Fenelon Falls. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; ensure the development of high quality compact built form; and integrate green infrastructure and low impact development.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

These applications conform to the Growth Plan in that they serve to permit an expansion of the existing commercial use. The applications will also create full and part-time employment opportunities.

Provincial Policy Statement, 2020 (PPS, 2020):

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

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

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, although these applications were received prior to May 1, 2020, they are subject to the policies in the PPS, 2020.

The applicant has submitted the appropriate technical reports for consideration and review, including an updated PJR, and Floodline Mapping Report. These reports are currently subject to review. Through the appropriate revisions to the technical reports and plans, it is anticipated that consistency with the policies of the PPS, 2020 should be achieved.

Official Plan Conformity:

The lands are designated 'Low Density Residential' on Schedule 'A' of the Village of Fenelon Falls Official Plan (Fenelon Falls Official Plan); and 'Urban Settlement Area' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (City Official Plan). The 'Urban Settlement Area' designation recognizes the existing Home Hardware retail development site, and Section 34.1 – 'Existing Uses' of the City Official Plan will permit the expansion/conversion of the existing use, subject to the Township of Fenelon Zoning By-law uses and provisions, and subject to Site Plan Control, respectively.

The applicant has requested to change the 'Low Density Residential' designation to the 'District Commercial' designation, which would permit a range of commercial uses intended to rely heavily on vehicular traffic for their existence, and which require direct access from and exposure to major arterial roads. Such uses include but are not limited to: motels; motor hotels; eating establishments including drive-in and take-out restaurants; motor vehicle service stations and car washes; automotive dealerships and repair services; and limited specialized retail commercial establishments, such as major furniture and appliance sales; warehouse outlets; building supply outlets or other similar retail uses requiring

large enclosed areas and/or buildings not conducive to a location in the Main Central Area (downtown).

The following are some of the criteria applying to lands designated 'District Commercial':

- All outdoor storage areas will be fenced or suitably screened from adjacent residential areas;
- Specialized retail commercial uses shall locate within areas of similar District Commercial uses wherever possible;
- Adequate off-street parking and loading facilities shall be provided;
- Access points shall be limited in number and designed to minimize danger to both vehicles and pedestrians;
- Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas;
- In considering applications for redevelopment of commercial uses involving the outside storage of goods and materials, Council shall have regard for the location and nature of the outside storage facility and effect on adjacent properties; and the location and number of off-street parking spaces.

The proposal generally adheres to the above noted criteria. The building supply outlet use permitted in the 'District Commercial' designation and zone is compatible with many of the surrounding uses, and can be adequately buffered through site plan control and the implementing Zoning By-law. The proposal contemplates on-site parking with some relief requested from the existing Zoning By-law provisions. The land fronts on Lindsay Street and Kawartha Lakes Road 121, which is identified as an Arterial Road on Schedule 'B' – Road Network Plan mapping in the Fenelon Falls Official Plan.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through a comprehensive review and any appropriate revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

Zoning By-Law Compliance:

The existing Home Hardware lot is zoned 'Highway Commercial Exception Seven (C2-7) Zone' in the Township of Fenelon Zoning By-law 12-95 (Fenelon Zoning By-law), and the vacant lots at 126 and 130 Lindsay Street are zoned 'Residential Type One (R1) Zone' in the Village of Fenelon Falls Zoning By-law 89-25 (Fenelon Falls Zoning By-law). The applicant has requested two amendments:

1. To amend the development standards in the 'C2-7' zone category in the Fenelon Zoning By-law; and

2. To amend the Fenelon Falls Zoning By-law by changing the 'R1' zone to a 'District Commercial Exception ** (C2-**) Zone', to permit the same uses and site-specific development standards as the amended 'C2-7' zone in the Fenelon Zoning By-law, as proposed.

The existing 'C2-7' zone currently permits only a retail store for the following uses:

- (a) Major appliances;
- (b) Home furnishings;
- (c) Home improvement and farm supplies;
- (d) General hardware, sporting goods and building supplies.

The new 'C2-**' zone in the Fenelon Falls Zoning By-law will permit the same uses (and corresponding definitions) as above, and both of the exception zones will provide for consistent (harmonized) development standards across the entire site. The standards for the existing site ('C2-7' zone); current 'District Commercial (C2) Zone standards; and overall deficient requirements (for the consolidated properties) are noted in the following table:

Zone Standard:	Fenelon Twp. 'C2-7' Zone:	Fenelon Falls 'C2' Zone:	Current Proposal
Minimum interior side yard – not adjacent to residential	12.0 metres	12.0 metres	2.08 metres
Minimum rear yard	12.0 metres	12.0 metres	7.93 metres
Maximum lot coverage	30%	50%	34.6%
Minimum landscaped open space	20%	10%	17.4%
Minimum parking spaces	98 spaces		79 spaces
Minimum loading spaces	2 spaces	3 spaces	1 space
Planting strip adjacent to Residential use		3.0 metres	1.6 metres

In addition to the above, there will need to be special provisions in each exception zone in the respective Zoning By-laws, to treat each of them as one for the purposes of the proposed development. Additional modifications may be required for some of the definitions within each exception zone in each implementing Zoning By-law for clarity and consistency.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through a comprehensive review and any appropriate revisions to the technical reports and plans, full compliance with the provisions of the Zoning By-law should be achieved.

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 amendments is appealed to the Local Planning Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of 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 expanding an existing business and expanding local employment opportunities; and aligns with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

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

Servicing Comments:

The properties are currently on full urban municipal services, including water, sanitary sewer and storm sewer. Any existing unused connections to the properties at 126 and 130 Lindsay Street will be decommissioned, as the three properties will be consolidated into one parcel.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of

the properties; and a sign was posted on the property. As of July 31, 2020, we have received the following comments:

Public Comments:

To date, no public comments have been received.

Agency Review Comments:

July 15, 2020	Engineering and Corporate Assets Department advised they have no objection to the proposed Official Plan and Zoning By-law amendments. The Detailed Engineering review and comments will be provided at the time of Site Plan Approval. Preliminary Engineering comments regarding servicing and stormwater management have been provided in advance of any site plan application.
July 20, 2020	The Building Division has no concerns with the applications.
July 29, 2020	Kawartha Conservation advised they will be unable to have comments prepared by the July 31, 2020 deadline for report writing. Comments will follow once the internal review has been completed.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the applications have been circulated to the appropriate agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff until such time as all comments have been received from all commenting agencies and departments, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all comments have been received, and any concerns have been addressed.

Attachments:

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

Appendix 'A' – Location Map



PLAN2020-027
Appendix A.pdf

Appendix 'B' – 2018 Air Photo of Neighbourhood



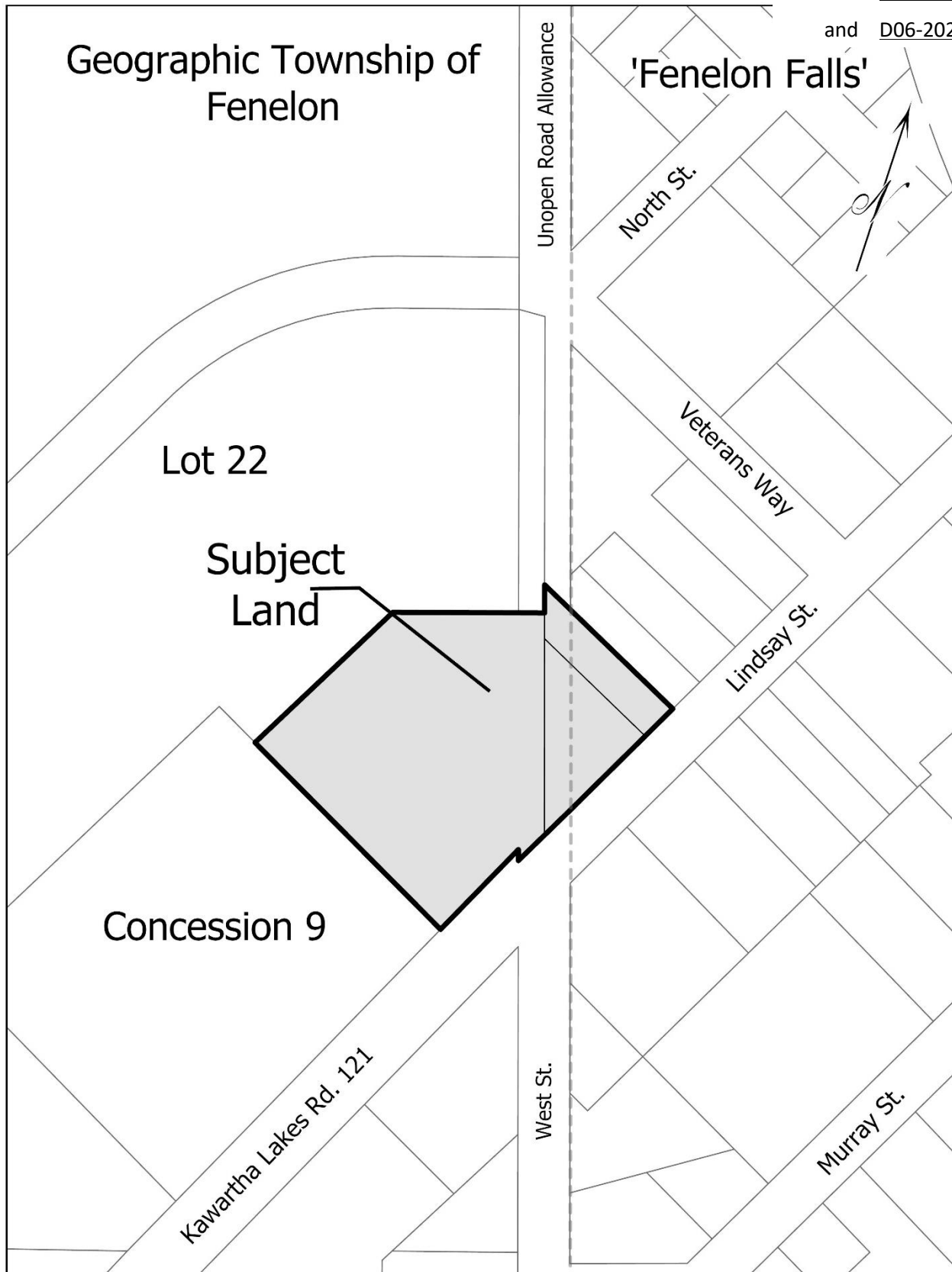
PLAN2020-027
Appendix B.pdf

Appendix 'C' – Proposed Site Concept Plan, dated January 16, 2020



PLAN2020-027
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D01-2020-003 and D06-2020-014



to

Report PLAN2020-027

File No: D01-2020-003

and D06-2020-014

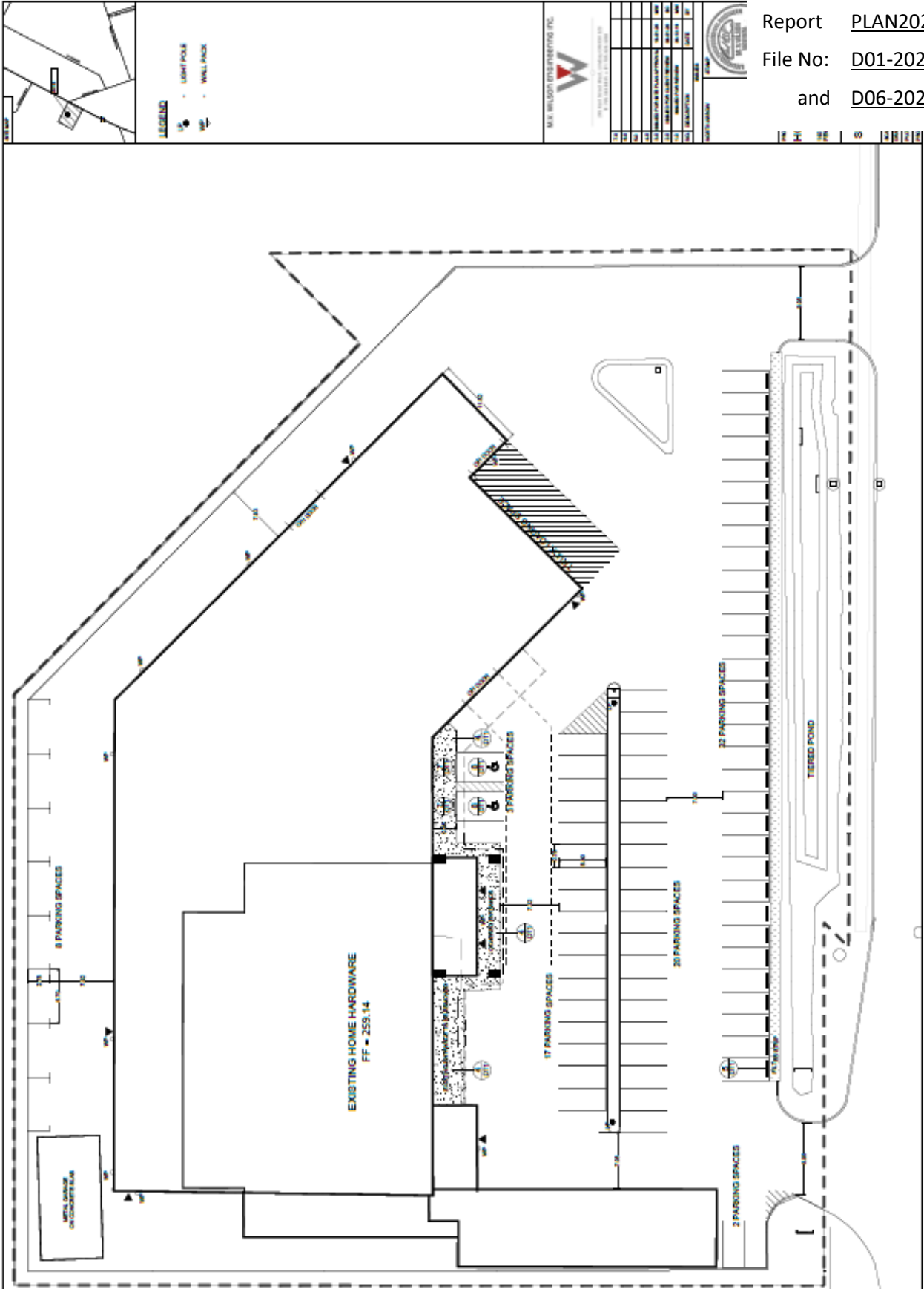


to

Report PLAN2020-027

File No: D01-2020-003

and D06-2020-014



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-028

Meeting Date: August 12, 2020

Public Meeting

Title: An application to amend the Township of Fenelon Zoning By-law 12-95

Description: An amendment to facilitate the severance of the farmhouse from the balance of the agricultural land. The property is described as Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 4027 Highway 35

Ward Number: 3

Author and Title: David Harding, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2020-028, Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 4027 Highway 35, "2324784 Ontario Inc. – D06-2019-030", be received;

That a Zoning By-law Amendment respecting application D06-2019-030, substantially in the form attached as Appendix "D" to Report PLAN 2020-028, be approved and adopted by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property is an agricultural lot that contains a single detached dwelling and shed containing a well. The owner applied to sever the dwelling from the balance of the agricultural land. On December 19, 2019, the Director of Development Services granted provisional consent to application D03-2019-009 to sever an approximately 0.44 hectare (1.08 acre) residential lot and retain approximately 126.12 hectares (311.64 acres) of agricultural land to be consolidated with other non-abutting lands owned by the farming operation.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to Agricultural Exception Twenty-Six (A1-26) Zone in order to prohibit residential use, recognize its deficient frontage, and impose a holding provision to prohibit the construction of agricultural buildings until such time as the owner chooses to enter into an agreement with the City to upgrade a suitable length of Robin Road. To further clarify how the lot containing the dwelling is to be used and recognize the reduced lot frontage that is proposed, said lot is also being rezoned to Rural Residential Type One Exception Twenty-One (RR1-21) Zone.

Owner:	Dagmar Teubner - 2324784 Ontario Inc.
Applicant:	David McKay - MHBC Planning Inc.
Legal Description:	Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon
Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone in the Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	Severed – 0.44 hectares Retained – 126.12 hectares
Site Servicing	Severed – Private individual well and septic system Retained – Private individual well

Rationale:

Agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with other non-abutting agricultural parcels. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

Provincial Policies:

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

The Growth Plan directs growth to settlement areas, and discourages development on rural lands unless it is for activities such as the management or use of resources (such as agriculture), and/or other activities that are not appropriate for settlement areas.

Such development is to be compatible with the rural landscape, not conflict with the protection of agricultural uses and be sustained by rural service levels.

The proposal conforms to the Growth Plan as it is protecting the long-term viability of agricultural land belonging to a farming operation and is not increasing service levels within a rural area.

Provincial Policy Statement, 2020 (PPS):

Rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy.

Within rural areas, the PPS directs most development to rural settlement areas. Development on rural lands, which form a part of rural areas, is permitted for proposals including agricultural uses. Such development is to be compatible with the rural landscape and sustained by rural service levels.

The proposal is consistent with the PPS as it is protecting the long-term viability of agricultural land belonging to a farming operation and is not increasing rural service levels.

Official Plan Conformity:

The majority of the subject land is designated Rural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Environmental Protection. No development is proposed near the Environmental Protection designation, so none of the policies relating to that designation apply.

Section 16.1 of the Official Plan provides that agricultural land within the Rural designation, which is primarily Class 4-7, shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Rural designation is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial

policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

The Rural designation provides for the creation of a rural residential lot to remove a dwelling deemed surplus to a farm operation as a result of a consolidation of farm land with a non-abutting agricultural lot. In accordance with Policy 16.3.5 the residential lot must be between 4,000 square metres and 1 hectare and future residential development be prohibited on the agricultural land to be consolidated. The intent of the Official Plan is to limit the area of land to be severed with the farmhouse to what is needed to sustain it in order to maintain as much land as possible for current or future agricultural operations. As the lot to be severed proposes an area of 0.44 hectares, the area requirement and intent is met. A Zoning By-law Amendment application has been filed to fulfill the requirement to prohibit residential use on the proposed retained lands.

The application conforms to the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Fenelon Zoning By-Law 12-95. The lot to be retained exceeds the minimum area (38 hectare) requirement of the A1 Zone by proposing about 126.12 hectares. The lot does not meet the minimum lot frontage (230 metres) requirement of the A1 Zone by proposing about 185.14 metres along Highway 35. An Agricultural Exception Twenty-Six (A1-26) Zone with a holding (H) provision is proposed to replace the A1 Zone on the retained land.

The reason for the holding provision is as follows:

The Ministry of Transportation (MTO) advised during the circulation of the consent application that a separate or mutual driveway access off of Highway 35 for the proposed retained agricultural lot is not supported; sole access to the proposed retained lands must be from Robin Road. The portion of Robin Road which abuts and lead to the subject property is not assumed. However, the applicant has advised that seasonal access can and is achieved from Robin Road. Access to the proposed retained lot may continue to be via Robin Road in its current condition as both the Official Plan and Zoning By-law permit a parcel to have frontage on an improved public street, but not achieve direct access from said street. However, Section 3.6.1 of the Zoning By-law prohibits the erection of any buildings or structures on a lot that does not abut and obtain direct access onto an improved public street. Therefore, no buildings or structures are permitted on the proposed retained lot if the condition of the un-assumed portion of Robin Road remains unchanged. The applicant has advised that the remaining small building on the proposed retained lot protects a well that served the now-demolished agricultural buildings. The building is permitted to remain since its purpose is tied to the existence of the well, and the well could be used for future agricultural purposes. The well building will be considered legal non-complying, and complies with the applicable A1 Zone setbacks.

Through discussion with the City's solicitor, it was determined that if the current or future owner of the agricultural parcel did wish to construct buildings or structures, the Land Management Committee would identify the length of Robin Road to be brought up to a suitable municipal standard by the owner for use as a private service access. However, it would remain the responsibility of the owner to privately maintain the newly improved length of Robin Road. Should the current or future owner wish to undertake such an exercise, the agricultural lot would not fully comply with Section 3.6.1 since the newly improved portion of Robin Road would not be assumed.

The A1-26(H) Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy and provide for the future construction of buildings provided the necessary agreements are made with the City for the upgrade and maintenance of Robin Road.

Section 8.2.1.7 within the A1 Zone provisions permit a rural residential lot created through the consent process to be subject to the Rural Residential Type One (RR1) Zone provisions while retaining its A1 Zone symbol. The proposed severed lot exceeds the minimum area requirement of 2,800 square metres by proposing approximately 4,068 square metres and the dwelling does comply with the applicable RR1 Zone provisions. However, the lot proposes approximately 21.47 metres of frontage instead of the required 38 metres. As a Zoning By-law Amendment application is already required for the proposed retained lot, and formally changing the zone symbol of the proposed severed lot reduces any potential confusion for prospective purchasers as to how the lot is to be used, it is more appropriate to change the zone category to RR1-21 rather than address the matter through minor variance.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals 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 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 a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

Servicing Comments:

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

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division and Community Services Department raised no concerns as a result of the circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural land is preserved for agricultural use by introducing the A1-S26 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures that the rural residential lot is zoned RR1-S22 to avoid any future confusion as to how the parcel is to be used and to recognize the accessory building within the front yard. The accessory building is modest in scale and is set well back from the road, closer to the dwelling.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also does conform to the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of July 28, 2020. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2020-028.pdf

Appendix 'B' – Sketch for Consent Application



Appendix B to
PLAN2020-028.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2020-028.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
Report PLAN2020-02

Department Head E-Mail: cmarshall@kawarthalakes.ca

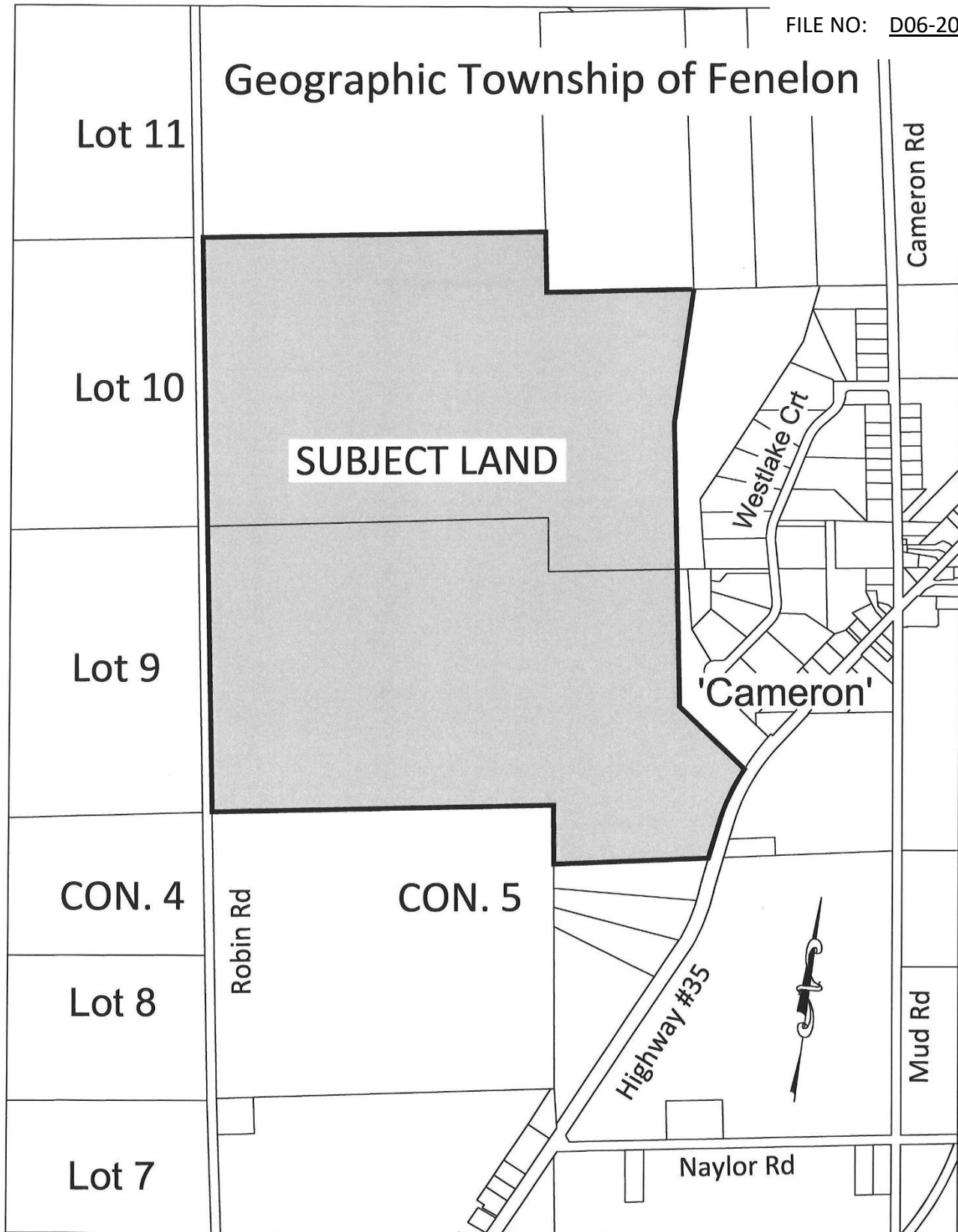
Department Head: Chris Marshall

Department File: D06-2019-030

to

REPORT PLAN2020-028

FILE NO: D06-2019-030



to

REPORT PLAN2020-028

FILE NO: D06-2019-030

4027 Highway 35, geographic Twp. of Fenelon



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.



0.92 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

to

REPORT PLAN2020-028

FILE NO: D06-2019-030



Data Source: City of Kawartha Lakes Aerial Mapping 2016

Figure 1B
Proposed
Severance Sketch
(Enlargement of
Retained Lands)

SEP 17 2019
City of Kawartha Lakes
4027 Highway 35,
Kawartha Lakes, Ontario

LEGEND

Severed Lands
± 0.44 ha (1.09 acres)

Retained Lands
± 126.15 ha (311.73 acres)

Existing Access on
Severed Lands

Existing House

Existing Farm
Well Cover

Existing House Well

Existing Septic Tank

Leaching Bed

DATE: July 15, 2019

SCALE 1:1500



N:\16208E - 4027 Highway 35, Kawartha Lakes\2019\July\Figures\CAD\16208 E-Figure Mapping-28
June 2019 - Copy.dwg



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

230-7650 WESTON ROAD WOODBRIDGE, ON L4L 8G7
P: 905.761.5588 F: 905.761.5599 | WWW.MHBCPLAN.COM



Data Source: City of Kawartha Lakes Aerial Mapping 2016

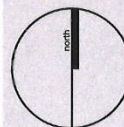
Figure 1A
Proposed Severance Sketch

LEGEND

- Severed Lands
± 0.44 ha (1.09 acres)
- Retained Lands
± 126.15 ha (311.73 acres)

DATE: July 15, 2019

SCALE 1:10000



**4027 Highway 35,
Kawartha Lakes, Ontario**

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City of Kawartha Lakes

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The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2020-028**By-Law 2020 -**FILE NO: D06-2019-030**A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-030, Report PLAN2020-028, respecting Part North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 4027 Highway 35 - 2324784 Ontario 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:
 - (a) rezone the land containing the dwelling to a rural residential zone category; and
 - (b) prohibit residential uses on the balance of the agricultural 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 North Half of Lot 8, Part South Half of Lot 8, Part of Lot 9, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following subsection to Section 8.3:
 - “8.3.26 Agricultural Exception Twenty-Six Holding (A1-26 (H)) Zone
 - 8.3.26.1 Notwithstanding subsections 3.21, 8.1.1.4, 8.1.1.7, 8.1.1.10, and 8.2.1.11, residential uses and accessory uses thereto are not permitted.
 - 8.3.26.2 Notwithstanding subsection 8.2.1.2, the minimum lot frontage is 185 metres.

- 8.3.26.3 Notwithstanding subsection 3.6.1, a building and/or structure may be erected on property with a lot line that abuts and obtains direct access onto a public street that is privately maintained.
- 8.3.26.4 On land zoned A1-26(H) the removal of the Holding (H) symbol shall be in accordance with the following:
- (a) The owner enters into an agreement with the City to upgrade a suitable length of Robin Road to municipal standard in order to provide private service access to the property's driveway entrance."
- 1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following subsection to Section 11.3:
- "11.3.21 Rural Residential Type Once Exception Twenty-One (RR1-21) Zone
- 11.3.21.1 Notwithstanding subsections 11.2.1.1 and 11.2.1.2, land zoned RR1-21 shall be subject to the following zone provisions:
- | | |
|-------------------------|-------------|
| (a) Lot Area (min.) | 4,000 sq. m |
| (b) Lot Frontage (min.) | 21 m" |
- 1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category on a portion of the property from Agricultural (A1) Zone to Rural Residential Type One Exception Twenty-One (RR1-21) Zone for the land referred to as RR1-21, as shown on Schedule 'A' attached to this By-law; and to change the zone category on the balance of the land from Agricultural (A1) Zone to Agricultural Exception Twenty-Six Holding (A1-26(H)) Zone for the land referred to as A1-26(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 Section 34 of the Planning Act R.S.O. 1990, c.P.13.

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

Andy Letham, Mayor

Cathie Ritchie, City Clerk

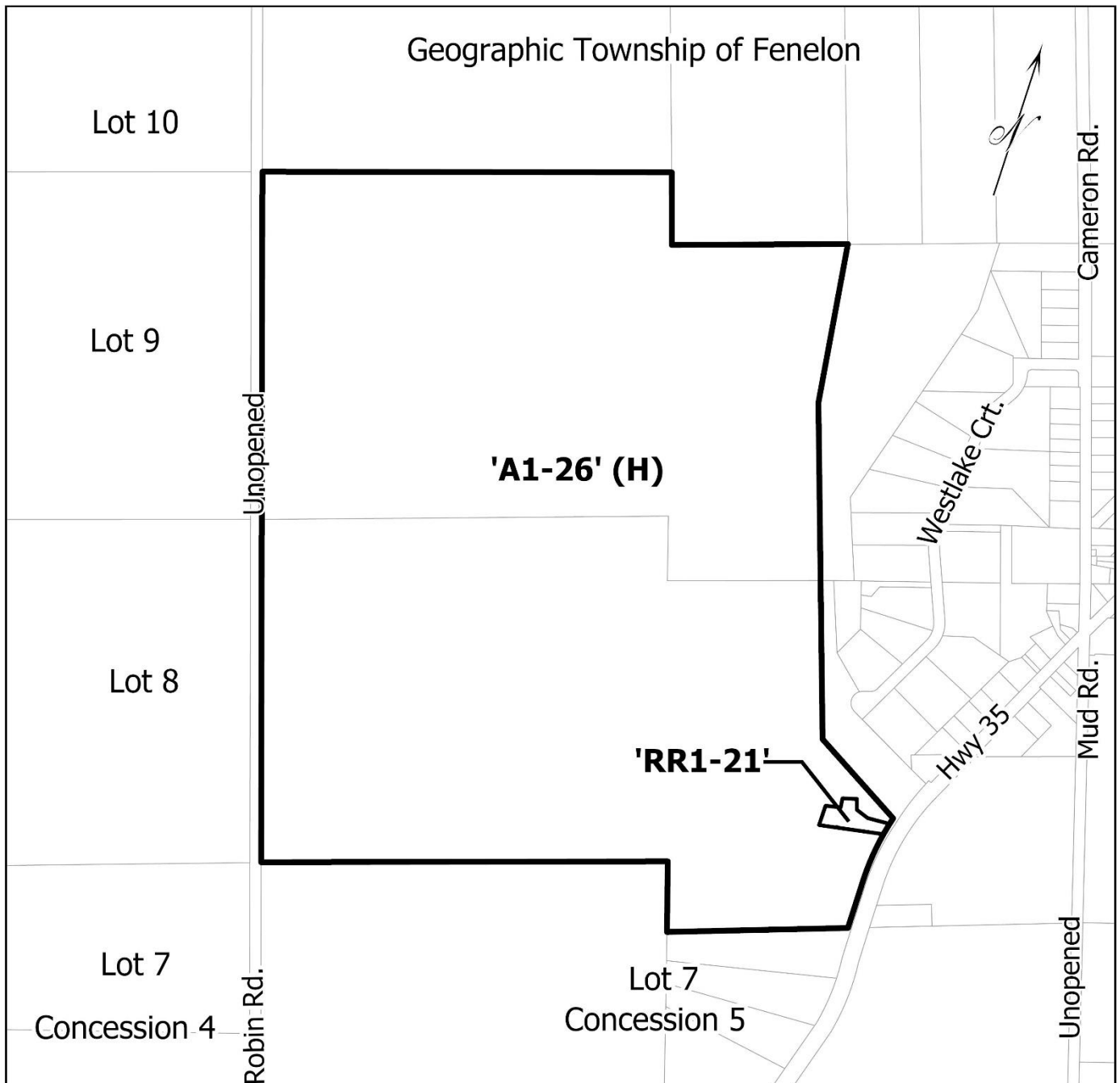
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-029

Meeting Date: August 12, 2020

Public Meeting

Title: An application to amend the Township of Somerville Zoning By-law 78-45

Description: An amendment to facilitate the enlargement of 44 Royal Cedar Road by: (1) rezoning 44 Royal Cedar Road and the lands to the south of it from Commercial Recreation (C3) Zone to Commercial Recreation Exception One Holding (C3-1(H)) Zone, and (2) rezone the lands to the east and southeast of 44 Royal Cedar Road from Rural General (RG) Zone to Future Development Holding (D(H)) Zone. The property is described as Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, identified as 34 and 44 Royal Cedar Road

Ward Number: 2

Author and Title: David Harding, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2020-029, Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, identified as 34 and 44 Royal Cedar Road, “Canada Royal Resort Inc., Robert and Elizabeth Ellis, Robert Walker and Peter Walker – D06-2020-002”, be received;

That a Zoning By-law Amendment respecting application D06-2020-002, substantially in the form attached as Appendix “D” to Report PLAN 2020-029, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is composed of three parcels:

- (1) 34 Royal Cedar Road, a property abutting Balsam Lake that contains a rental cottage establishment,
- (2) 44 Royal Cedar Road, a property abutting Balsam Lake that contains a motel-formal resort building known as Royal Resort; and
- (3) An unaddressed parcel to the south and east of 34 and 44 Royal Cedar Road, which is partially forested, but primarily used for agriculture.

On May 21, 2019, the Director of Development Services issued provisional consent to application D03-2018-015 to sever an approximately 0.9 hectare parcel belonging to 34 Royal Cedar Road and add it to 44 Royal Cedar Road. The land to be severed contains the portion of the cottage establishment that is south of 44 Royal Cedar Road. A notice of change of provisional consent condition was issued by the Director on April 30, 2020. Both decisions require a zoning by-law amendment to address the deficient lot frontage to be created through the lot line adjustment, and to impose a holding provision to provide further municipal review in the form of supporting studies and site plan control to any contemplated expansion to the Royal Resort operation.

On May 21, 2019, the Director of Development Services also issued provisional consent to application D03-2018-016 to sever an approximately 1.26 hectare parcel belonging to the unaddressed forested and agricultural parcel. The parcel contains a sewage system and parking lot used by the Royal Resort. A notice of change of provisional consent condition was issued by the Director on April 30, 2020. Both decisions require a zoning by-law amendment to change the zoning on the land from Rural General (RG) Zone to reflect its intent to be formally used and consolidated with the Royal Resort's land holdings. A holding provision is also to be imposed to provide further municipal review in the form of supporting studies and site plan control to any contemplated expansion to the Royal Resort operation.

Owners:	Unaddressed Parcel – Robert and Elizabeth Ellis 34 Royal Cedar Road – Robert and Elizabeth Ellis, Peter Walker and Robert Walker 44 Royal Cedar Road – Kai Chen, Canada Royal Resort Inc.
Applicant:	Kai Chen
Legal Description:	Part of Lots 10-12, Front Range, geographic Township of Somerville
Official Plan:	Rural and Waterfront within the City of Kawartha Lakes Official Plan
Zone:	Commercial Recreation (C3) Zone and Rural General (RG) Zone within the Township of Somerville Zoning By-law 78-45
Site Size:	34 Royal Cedar Road as proposed – 3.1 hectares

44 Royal Cedar Road as proposed – 2.6 hectares
Unaddressed Parcel as proposed – 15.7 hectares

Rationale:

Provincial Policies:

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

The Growth Plan directs growth to settlement areas, and discourages development on rural lands unless it is for activities such as the management or use of resources, and/or other activities that are not appropriate for settlement areas.

The Growth Plan permits tourism-related and recreationally based activities that rely upon a resource. The Royal Resort is a tourist commercial operation that is dependent upon the vacationing public accessing the recreational resource of Balsam Lake.

The scale of the use must be consistent with the surrounding rural character. While the lands to the south of 44 are already zoned for commercial recreational development, the zoning by-law amendment proposed ensures that further municipal review is conducted prior to the commencement of any construction.

The proposal conforms to the Growth Plan as it is protecting the long-term viability of agricultural land belonging to a farming operation and is not increasing service levels within a rural area.

Provincial Policy Statement, 2020 (PPS):

Rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy.

The PPS recognizes that the viability of rural areas is supported by activities such as tourism that leverages natural assets. While most development within rural areas is directed to rural settlement areas, development on rural lands, which includes the City's shoreline areas, is permitted for resource-based recreational uses. Tourism and recreational uses along with other economic opportunities are encouraged in such areas.

Such development is to be compatible with the rural landscape and sustained by rural service levels. The zoning by-law amendment proposed ensures that further municipal review is conducted prior to the commencement of any construction.

The proposal is consistent with the PPS as it is protecting the long-term viability of a rural area by adding to the land holdings of an existing tourist recreational use.

Official Plan Conformity:

The subject land is a combination of the Rural and Waterfront designations within the City of Kawartha Lakes Official Plan (Official Plan).

The Waterfront designation recognizes the importance lands abutting lakes and rivers play in providing recreational access to those waterbodies for residents, cottagers, and tourists. Development that respects shoreline character and scale is anticipated. Such development includes tourist resort uses.

The Rural designation recognizes the diverse range of land uses that may occur within the City's rural areas. While agricultural uses are commonly identified, other tourist-oriented uses are some of the many uses which are recognized to leverage the natural assets and economic opportunities found within this designation.

As the proposal is consolidating land belonging to a recreational tourism use, the application conforms to the Official Plan.

Zoning By-law Compliance:

34 and 44 Royal Cedar Road are zoned Commercial Recreation (C3) Zone within the Township of Somerville Zoning By-law 78-45. The unaddressed parcel is zoned Rural General (RG) Zone within the same zoning by-law.

The C3 Zone permits a wide variety of recreational uses. Many of the uses are services that are oriented towards the vacationing public, offering various forms of short term accommodation and ancillary retail opportunities.

The lot line adjustments for 44 Royal Cedar Road cause the overall frontage of that property to decrease. Currently, frontage is calculated along its north-south lot line which abuts the privately owner portion of Royal Cedar Road. The lot line adjustment will cause the frontage to be re-calculated to be east-west distance where the private road intersects the property.

The Future Development (D) Zone is proposed in order to allow the lot line adjustment of the lands currently zoned RG to proceed. The D Zone in combination with the holding provision would only allow existing uses to continue, and provides the new owner the time to attend the pre-consultation process and present the City with a comprehensive development proposal of how these lands will be utilized if a redevelopment and/or expansion to the Royal Resort inclusive of its amenity spaces occurs.

The holding provision will allow the City an additional degree of review over the development of the site by requiring a site plan to be filed, along with any supporting documentation and studies that staff deem necessary in support of the site plan application.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals 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

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding the land holdings of an existing resort establishment.

Servicing Comments:

The cottage establishment uses are serviced by numerous private individual sewage systems, and the Royal Resort is serviced by a private individual sewage system. It is staff's understanding that due to the volume of sewage flow for these systems, jurisdiction falls under the Ministry of Environment.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Development Engineering Division and Community Services Department raised no concerns as a result of the circulation.

On July 23, 2020, Peter Henley provided a letter of concern.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will allow the consolidation of land to occur and ensure the orderly development of the Royal Resort lands once a development proposal is put forward for municipal review.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning rural areas. The application also does conform to the Rural and Waterfront designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of July 30, 2020. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2020-02

Appendix 'B' – Application Sketch



Appendix B to
Report PLAN2020-02

Appendix 'C' – Aerial Photograph



Appendix C to
Report PLAN2020-02

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
Report PLAN2020-02

Department Head E-Mail: cmarshall@kawarthalakes.ca

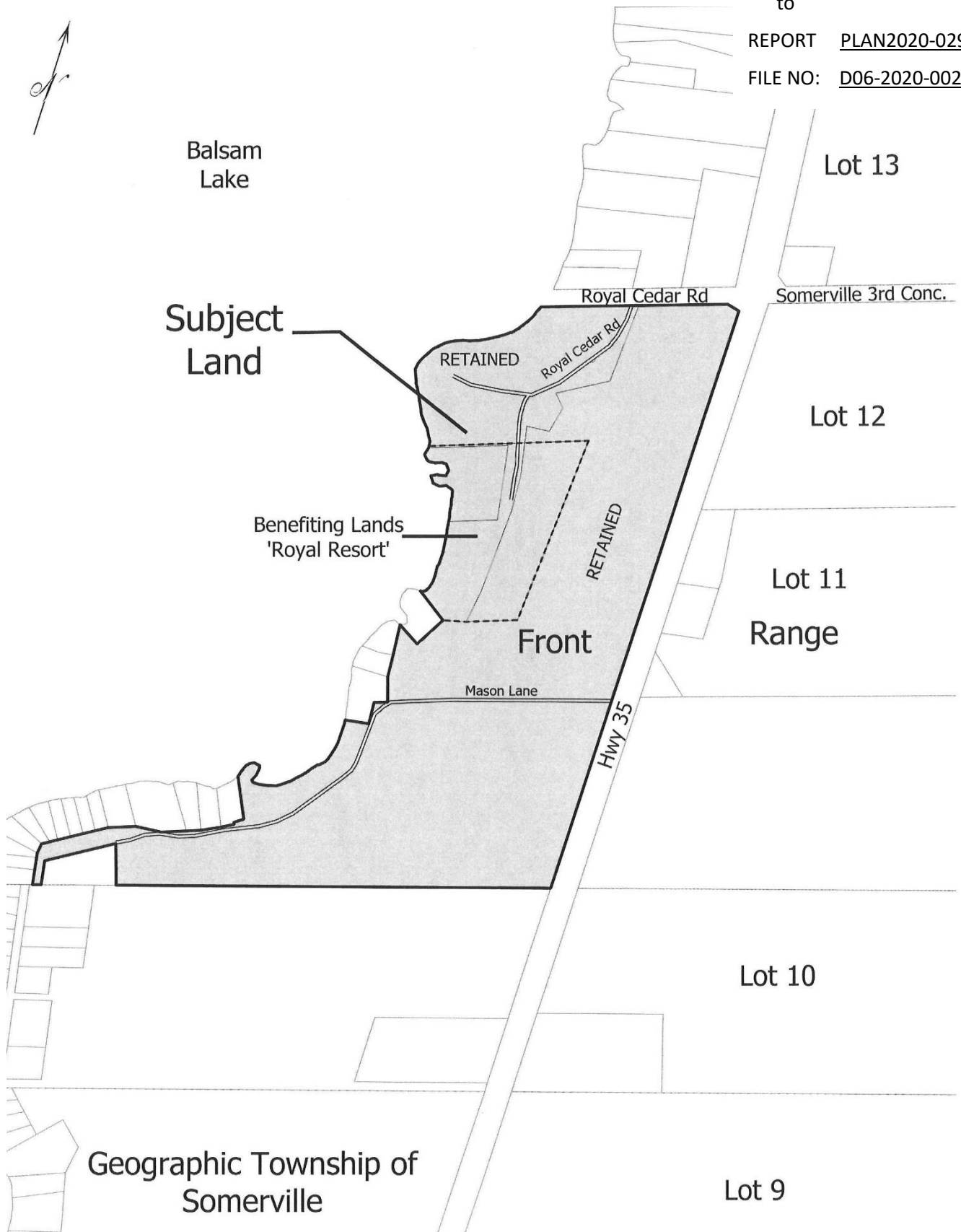
Department Head: Chris Marshall

Department File: D06-2020-002

to

REPORT PLAN2020-029

FILE NO: D06-2020-002





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This map is a user generated static map output and is for reference only. data, layers and text that appear on this map may not be accurate current or otherwise reliable

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APPENDIX " B "

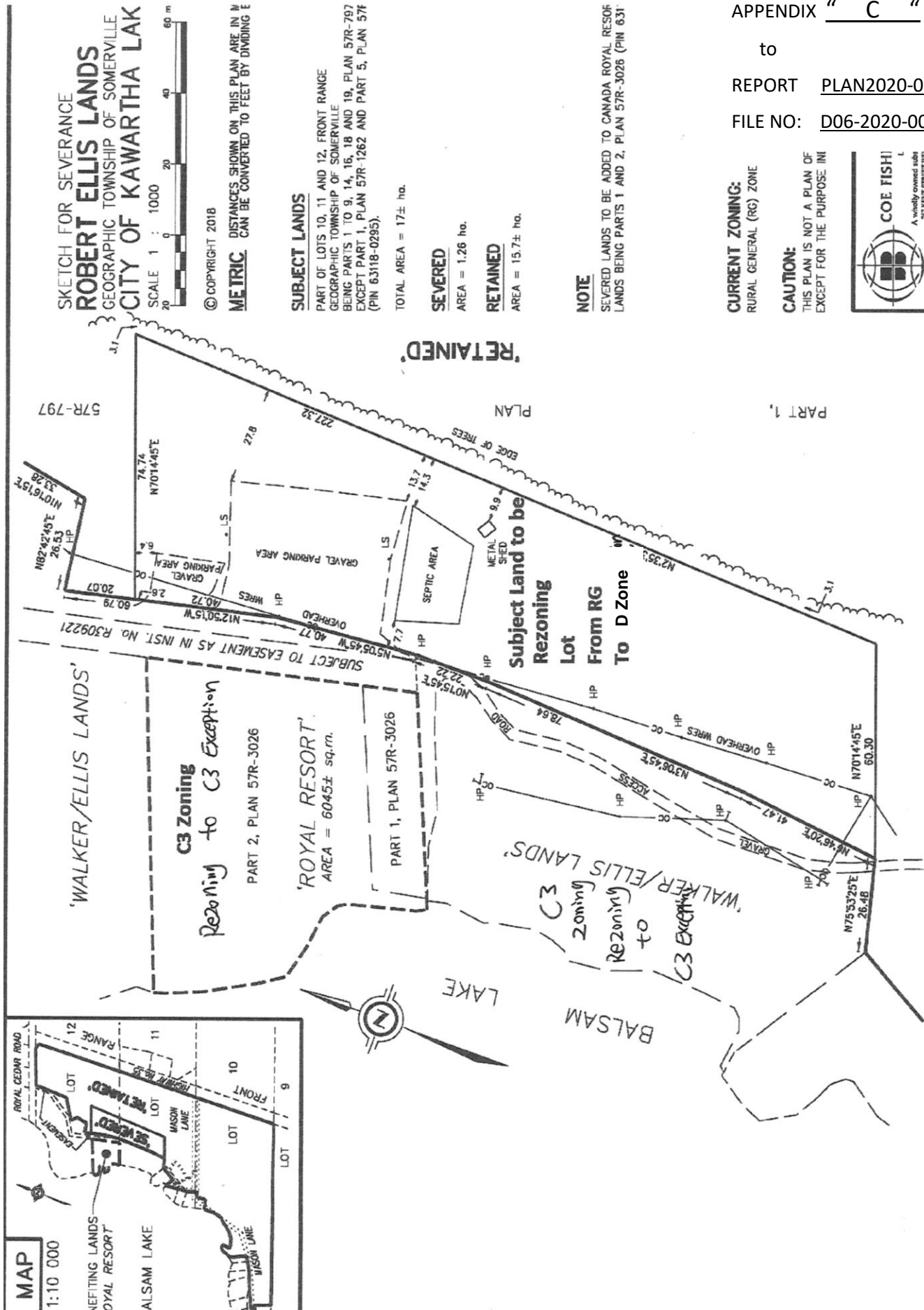
to

REPORT PLAN2020-029

FILE NO: D06-2020-002

FILE NO: D06-2020-002

CAUTION:
THIS PLAN IS NOT A PLAN OF
EXCEPT FOR THE PURPOSE INI



The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2020-029**By-Law 2020 -**FILE NO: D06-2020-002**A By-Law To Amend The Township of Somerville Zoning By-Law No. 78-45 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2020-002, Report PLAN2020-029, respecting Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, partially identified as 34 and 44 Royal Cedar Road – Ellis, Walker, and Canada Royal Resort Inc.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to specific parcels of land to:
 - (a) rezone a portion of the subject property to add an exception to the commercial recreation zone category to address the reconfigured lot,
 - (b) rezone a portion of the subject property to a future development zone to set aside the land for future development; and
 - (c) impose a holding provision across both portions to be rezoned to ensure the orderly development of 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 Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended to add the following subsection to Section 12.3:
 - “12.3.1 Commercial Recreation Exception One Holding (C3-1(H)) Zone
 - a. Notwithstanding subsections 12.2(b) the minimum lot frontage is 9 metres.
 - b. On land zoned C3-1(H) the holding provision limits the uses to those existing as of the day of passing of this by-law. No further construction

of buildings or structures are permitted on the property. The removal of the Holding (H) symbol shall be in accordance with the following:

- i. The owner enter into a site plan agreement with the City.
- ii. The owner satisfactorily completes in support of the site plan application any planning reports, environmental studies, servicing studies and/or reports, and traffic studies the City and/or external review agencies deem necessary.”

- 1.03 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended to insert a new zone category, to be titled Section 18 and the existing Section 18 along with all subsequent Sections be re-numbered:

“Section 18

Future Development (D) Zone

No person shall hereafter change the use of any building, structure or land, or erect and use any building or structure in a Future Development (D) Zone, except for the following uses:

18.1 D Uses Permitted

- a. Agricultural or forestry uses exclusive of buildings or structures
- b. Public Utilities
- c. Existing Legal Uses at the date of adoption of this By-law.

18.2 Removal of Future Development (D) Zone

- a. On land zoned D, the removal of the D Zone for non-agricultural uses shall be in accordance with the satisfactory completion of any reports, plans, and/or studies required by the City of Kawartha Lakes and/or its external review agencies.

18.3 Holding Provision

On land zoned Future Development Holding (D(H)) Zone the holding provision limits the uses to those existing as of the day of passing of this by-law, which includes the parking lot and septic bed. The construction of buildings, structures or the expansion of the parking lot is not permitted. The removal of the Holding (H) symbol shall be in accordance with the following:

- i. The owner enter into a site plan agreement with the City.
- ii. The owner satisfactorily completes in support of the site plan application any planning reports, environmental studies, servicing studies and/or reports, and/or traffic studies the City and/or external review agencies require.”

- 1.04 **Schedule Amendment:** Schedule ‘A’ to By-law No. 78-45 of the Township of Somerville is further amended to change the zone category on a portion of the property from Commercial Recreation (C3) Zone to Commercial Recreation

Exception One Holding (C3-1(H)) Zone for the land referred to as C3(H), as shown on Schedule 'A' attached to this By-law; and to change the zone category on a portion of the property from Rural General (RG) Zone to Future Development Holding (D(H)) Zone for the land referred to as D(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 Section 34 of the Planning Act R.S.O. 1990, c.P.13.

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

Andy Letham, Mayor

Cathie Ritchie, City Clerk

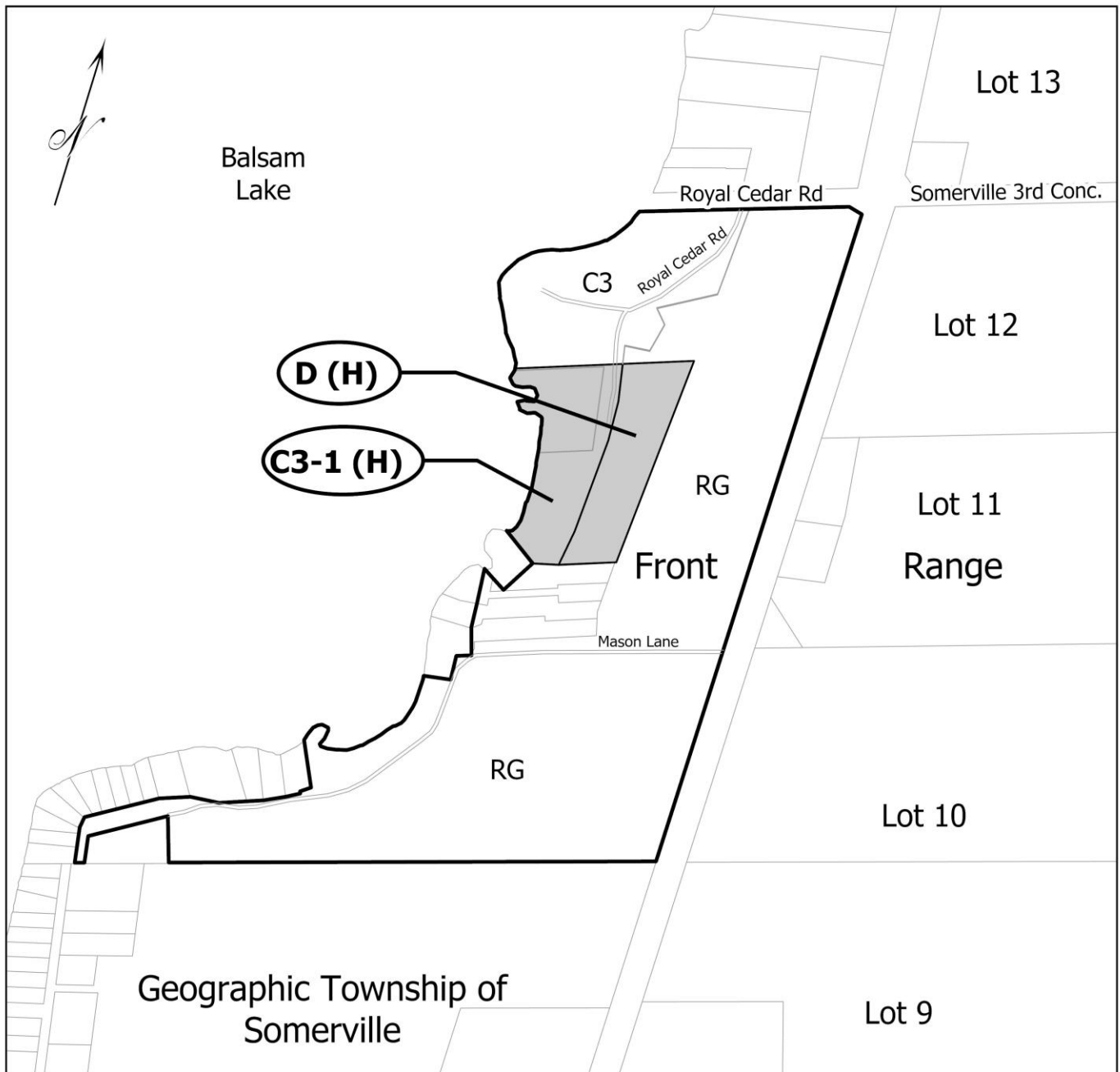
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN 2020-030

Meeting Date: **August 12, 2020**

Public Meeting

Title: **PLAN2020-030 – ZBA 1220 Highway 7, Mariposa (Davidson)**

Description: An application to amend the Township of Mariposa By-law 94-07 to change the zoning on a portion of the land from Agricultural (A1) Zone to an Agricultural Exception Zone to permit a reduced lot frontage, a reduced minimum lot area and to prohibit residential use. The application will also change the zoning surrounding the dwelling from Agricultural (A1) Zone to a Rural General Exception Zone to recognize the existing residential and agricultural-support uses and establish applicable development standards.

Ward Number: **4 - Mariposa**

Author and Title: **Kent Stainton, Planner II**

Recommendation(s):

That Report PLAN2020-030, respecting Part Lot 20, Concession 8, geographic Township of Mariposa, and identified as 1220 Highway 7 – Application D06-2020-012, be received;

That a Zoning By-law Amendment respecting application D06-2020-012, substantially in the form attached as Appendix “D” to Report PLAN2020-030, be approved and adopted by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property is an agricultural lot that contains a detached dwelling, a detached garage, a workshop building, a barn, a silo and grain bin. The owner sought to retain a 1.88 hectare (4.62 acre) parcel containing the aforementioned structures and sever approximately 17.33 hectares (42.85 acres) of agricultural land to be consolidated with a non-abutting farm parcel to the east identified as West Part Lot 21, Concession 8, Highway 7 (Oakview Farms Ltd.). The retained lands are to function as an agricultural-support use for the repair and sale of farm vehicles and equipment.

As a condition of the provisional consent decision, the agricultural land to be severed is to be rezoned to prohibit residential uses and to set out specific development standards. To acknowledge the existing residential and agricultural-support uses and to set out specific development standards, the retained lands are to be rezoned to a rural general exception zone category. Access to and from the severed land is to be attained over the retained land via an easement that was provisionally granted through a consent application (consent file: D03-2019-029), which ran concurrently with the severance application.

Owner:	Leslie Davidson
Applicant:	Doug Carroll, DC Planning Services Incorporated
Legal Description:	Part Lot 20, Concession 8, geographic Township of Mariposa
Official Plan:	Prime Agricultural and Bedrock Resource within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Severed – 17.33 hectares Retained – 1.88 hectares
Site Servicing:	Severed – None Retained – Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Rural Residential South: Agricultural, Municipal Drain East, West: Agricultural

Rationale:

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed severed agricultural land and to rezone the proposed retained lot to a rural general use

that acknowledges the existing agricultural-support uses, the applicant has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. An adjacent agricultural operation will farm the severed lands in conjunction with other non-abutting agricultural parcels. The single detached dwelling is deemed surplus to the needs of the farm operation. The existing farm equipment sale and repair operation on the retained land will be acknowledged through the rezoning to the rural general zone category.

Provincial Policies:

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

Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The subject lands under cultivation are identified as Prime Agricultural within the City of Kawartha Lakes Official Plan.

The rezoning as a condition of consent to sever the agricultural lands from the dwelling and agricultural-support use is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1(c) provides for the severance of a dwelling deemed surplus to the needs of a farm operation as a result of the consolidation of farm land provided that the lot is limited in size to that needed to accommodate appropriate water and wastewater services, and that the retained agricultural lands be rezoned to prohibit future residential development.

The application to rezone the proposed severed lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain an assortment of agricultural-support uses and the PPS encourages the protection of all types and sizes of agricultural use, and the proposed retained lot is of sufficient size to accommodate the necessary water and wastewater services. The PPS also provides that in rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and that development is compatible with the rural landscape and can be sustained by rural service levels. The agricultural-support use to be retained on the remnant land will promote a diversified rural economy that will service surrounding farm operations. Minimum Distance Separation One (MDS1) is not applied as the dwelling on the retained land exists and impact has been established.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated Prime Agricultural and Bedrock Resource in the City of Kawartha Lakes Official Plan (Official Plan).

The Bedrock Resource designation permits alternative use consistent with the surrounding uses and in conformity with the underlying designation (i.e. Prime Agricultural designation). The agricultural-support use conducted on the retained land is a permitted agricultural-related use within the prime agricultural designation.

Section 15.1 of the Official Plan provides that agricultural land which is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long-term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

Therefore, this application conforms to the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Mariposa Zoning By-Law 94-07. The lot to be severed has less lot area (17.33 hectares) and frontage (174.65 metres) than the minimum 38 hectare and 230 metre requirements for the A1 Zone respectively. In comparison, the retained lot is deficient in the required lot area of 2 hectares for the A2 Zone by proposing a reduced lot area of approximately 1.88 hectares. The retained will be compliant with respect to the proposed lot frontage of 117.32 metres.

An Agricultural Exception (A1-**) Zone is proposed to replace the A1 Zone on the proposed severed land. The A1-** Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

A Rural General Exception (A2-**) Zone is proposed to acknowledge the agricultural-support related uses on the property. The lot to be retained contains a single detached dwelling, a detached garage, a Quonset shed, a barn, a steel

grain bin with feed tank, and a silo. According to MPAC data, the structures were installed on the land between 1860 and 1978.

As the Rural General (A2) Zone permits such uses as: Auction Barn, Farm Equipment Sales and Service, Feed mill, Grain Cleaning Plant, Grain Drying and Storage Facility, planning staff are satisfied that the structures on the proposed retained lands will conform to the uses of the A2 Zone, provided the barn is not utilized to house livestock and livestock amenities.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals 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

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

Servicing Comments:

The agricultural land is un-serviced. The single detached dwelling on the land to be retained is serviced by a private sewage disposal system and a well.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Community Services Department and Engineering and Corporate Assets Department raised no concerns as a result of the circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the applicable policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural land is preserved for agricultural use by introducing the A1-Exception Zone. All other A1 Zone provisions will be maintained as a result of this amendment. The Zoning By-law Amendment also ensures that the rural general lot is zoned A2-Exception Zone to acknowledge the agricultural-support related uses on the property. A provision will be included to prohibit livestock from being housed in the existing barn on the retained lands.

The effect of the rezoning will allow for separate ownership of the lands. The severed agricultural land is considered surplus and will be consolidated with a non-abutting farm operation, while the dwelling and associated agricultural-support use on the land to be retained will be brought to conformity as a standalone use.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of July 31, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2020-030.pdf

Appendix 'B' – Sketch for Consent Application



Appendix B to
PLAN2020-030.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2020-030.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2020-030.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2020-012

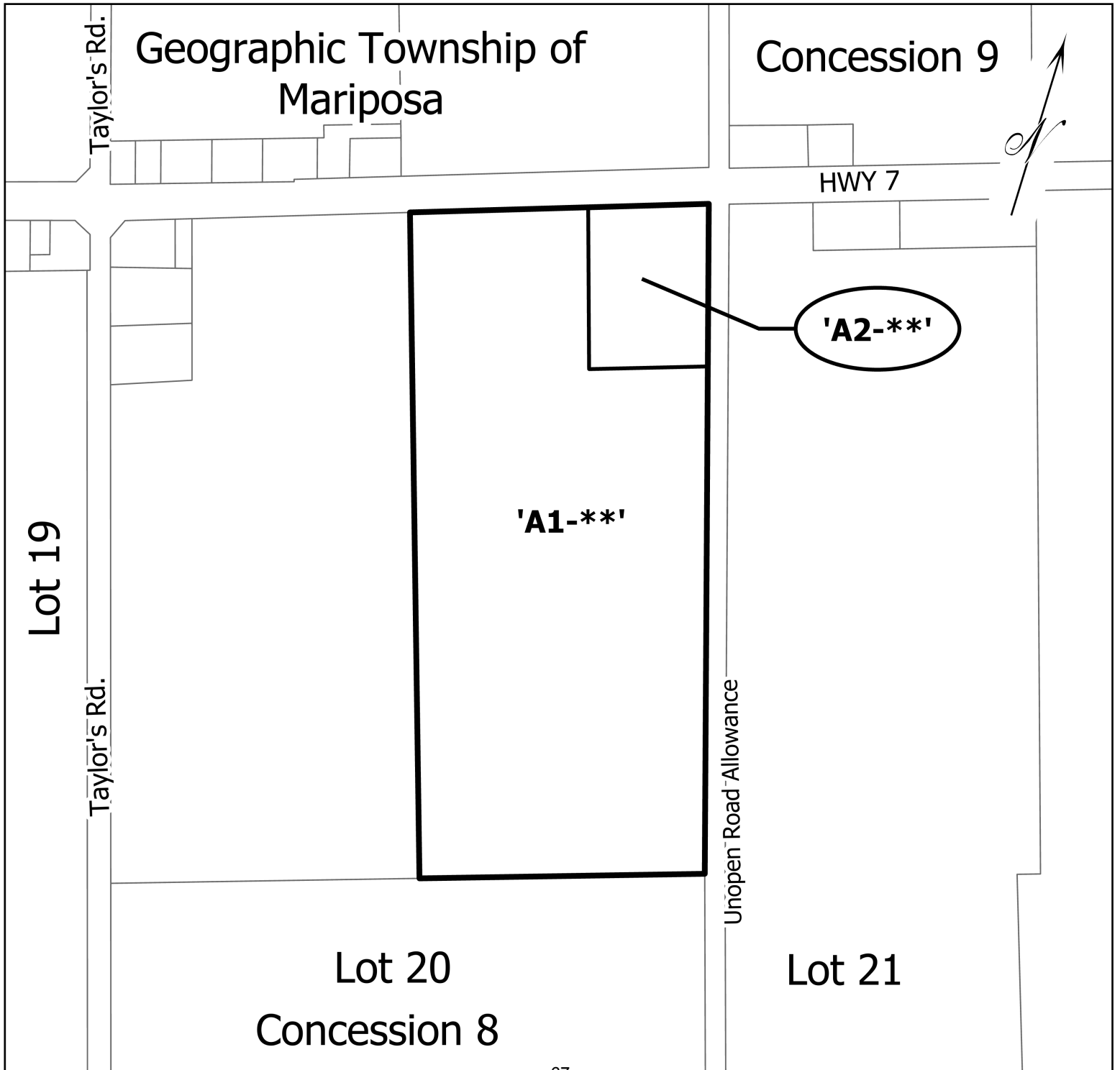
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____

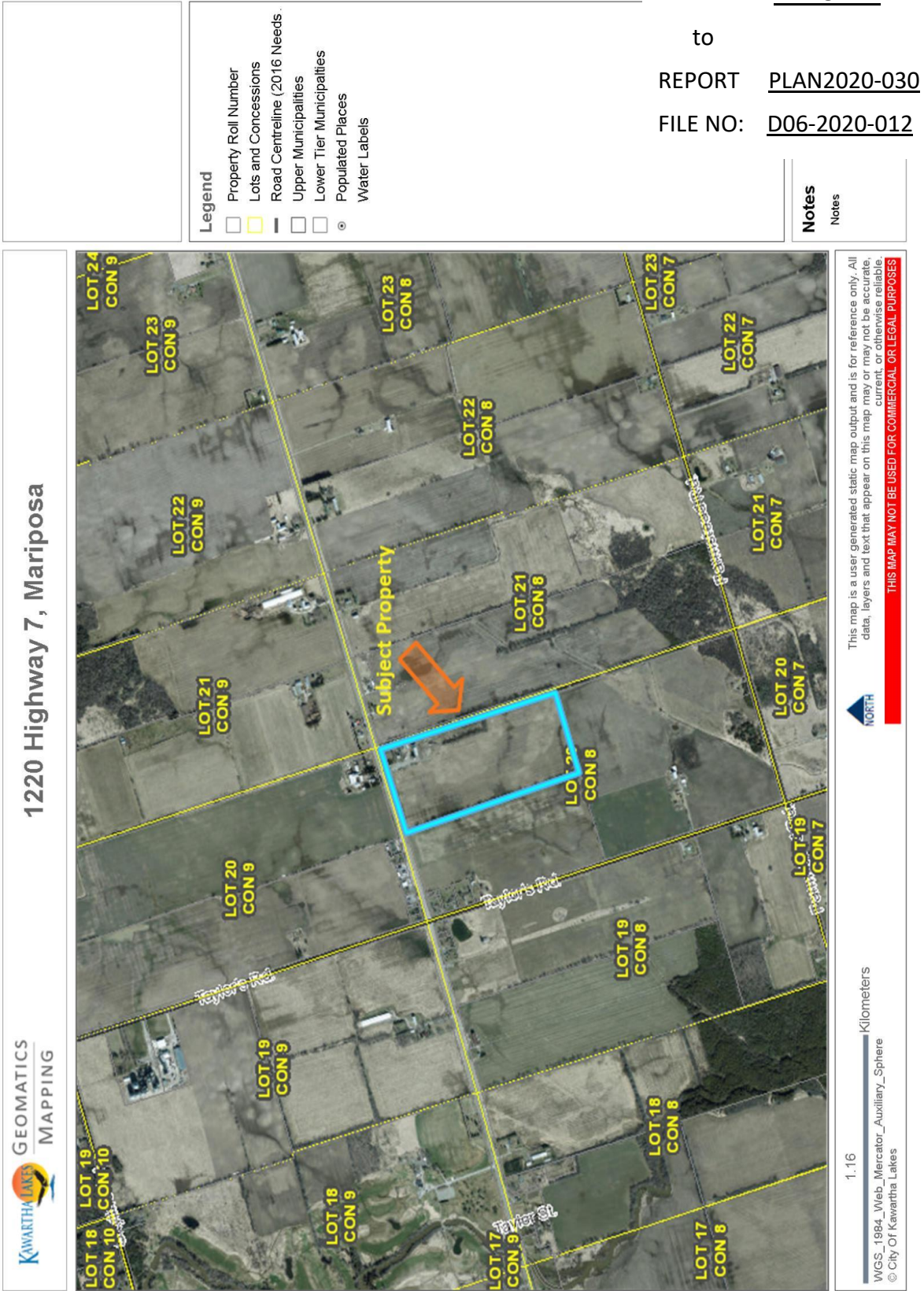


to

REPORT PLAN2020-030

FILE NO: D06-2020-012





A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes

File D06-2020-012, Report PLAN2020-030, respecting Part Lot 20, Concession 8, geographic Township of Mariposa, identified as 1220 Highway 7

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:

(a)

rezone the land containing the dwelling and agricultural support use to a rural general zone category and establish applicable development standards on the proposed retained;

(b)

prohibit livestock to be housed within the existing agricultural buildings on the land containing the dwelling and agricultural-support uses;

(c)

rezone the balance of the vacant agricultural lands to prohibit residential uses and establish applicable development standards,

in order to fulfill a condition of provisional consent
3.

A public meeting to solicit public input has been held.
4.

Council deems it appropriate to rezone the Property.

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

Section 1:00 Zoning Details

- 1.01

Property Affected: The Property affected by this by-law is described as Part Lot 20, Concession 8, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02

Textual Amendment: By-law No. 94-07 of the Township of Mariposa is further amended by adding the following subsections to Section 8.3 and 9.3:

“8.3.**

AGRICULTURAL EXCEPTION XXXXXXXX (A1-**) ZONE

8.3.**.1

Notwithstanding subsections 3.22, 8.1.1.3, 8.1.1.5, 8.1.1.8 and 8.2.1.10, on land zoned “A1-**” a dwelling unit and accessory uses thereto and/or a seasonal farm residential use and accessory uses thereto are prohibited.

8.3.**.2

Notwithstanding 8.2.1.1 & 8.2.1.2, land zoned “A1-**” shall have a minimum lot area of 17.33 hectares and a minimum lot frontage of 174.65 metres

9.3.**

RURAL GENERAL EXCEPTION XXXXX-XXX (A2-**) Zone

9.3.**.1

Existing buildings on land zoned “A2-**” shall not be used for the keeping of livestock or animal husbandry.

9.3.**.2

Notwithstanding 9.2.1.1, land zoned “A2-**” shall have a minimum lot area of 1.88 hectares.
- 1.03

Schedule Amendment: Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the

property from Agricultural (A1) Zone to Agricultural Exception XX (A1-**) Zone for the land referred to as A1-**, as shown on Schedule ‘A’ attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A1) Zone to Rural General Exception ** (A2-**) Zone for the land referred to as A2-**, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

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

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

Andy Letham, Mayor

Cathie Ritchie, City Clerk

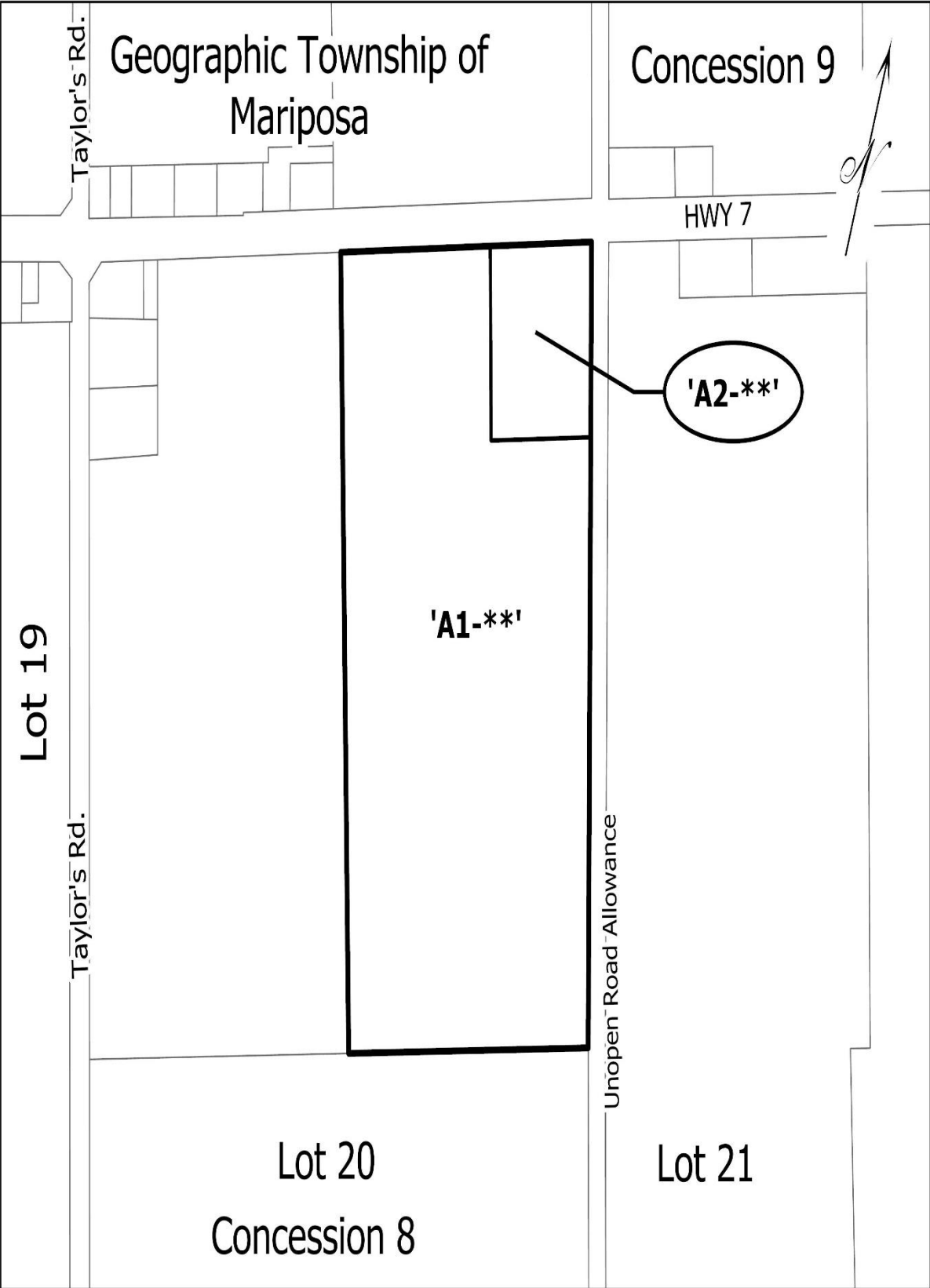
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-031

Meeting Date: August 12, 2020

Public Meeting

Title: An application to amend the Township of Mariposa Zoning By-law 94-07

Description: To change the Extractive Industrial (M3) Zone to an Extractive Industrial Exception (M3-**) Zone to permit a quarry operation on the subject land in addition to the existing permitted sand and gravel pit operation and to request a recyclables storage area as a permitted use, on Part Lot 10, Concession 12, geographic Township of Mariposa, 1095 White Rock Road (Bedard Sand and Gravel Limited)

Ward Number: 4 - Mariposa

Author and Title: Mark LaHay, Planner II

Recommendation(s):

That Report PLAN2020-031, respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, “Bedard Sand and Gravel Limited – Application D06-2020-004”, be received; and

That the application respecting the proposed 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.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject lands are located approximately 6 km northwest of the community of Oakwood on the south west side corner of White Rock Road and Black School Road in the geographic Township of Mariposa. The owner currently operates a sand and gravel pit on the subject site, which abuts another licensed pit immediately to the west. This existing license encompasses the entire site area with an extraction area of 23.4 ha. approved for extraction below the water table. The owner is proposing a quarry operation which will encompass the entire licensed boundary; however, the extraction area for the quarry will be limited to 19.5 ha. to properly maintain rehabilitated pit slopes and required setbacks. The current license permits a maximum limit for extraction of 907,000 tons/year, which will not increase with the proposed quarry operation.

The current operation is accessed via the existing haul route on White Rock Road. The existing access driveway and White Rock Road will continue to operate as the haul route for the proposed quarry operation and therefore, no alternative route is proposed. Processed materials will continue to be transported down to Highway 7.

The surrounding land uses includes Black School Road to the north, an existing licensed sand and gravel pit to the west and agricultural uses to the east and to the south as well as further north and west. At least four residences with associated out buildings exist within 500 metres of the site.

Owner:	Bedard Sand and Gravel Limited
Applicant:	D.M. Wills Associates Limited (previously Landmark Associates Limited)
Legal Description:	Part Lot 10, Concession 12, being Part 1, Registered Plan 57R-6739, geographic Township of Mariposa
Official Plan:	"Aggregate" in the City of Kawartha Lakes Official Plan
Zoning:	Extractive Industrial (M3) Zone in the Township of Mariposa Zoning By-law 94-07
Site Size:	29.98 ha (74.08 ac.) MPAC
Site Servicing:	No new buildings are proposed and therefore, servicing is not required
Adjacent Uses:	North: Black School Road/Agricultural East: White Rock Road/Agricultural South: Agricultural West: existing licensed pit operation

Rationale:

The owner is seeking a site specific zoning amendment to permit a proposed quarry operation for the extraction of limestone, which would occur in two phases along with a recyclables storage as illustrated on the Quarry Operational Site Plan (see Appendix 'C3'). The current use on the proposed site is a sand and gravel pit operation, which may occur simultaneously with the proposed quarry operation.

According to the Planning Justification Report, extraction methods for the pit operation will remain unchanged from those currently established on the property. Extraction of the limestone will require both drilling and blasting. Aggregate will continue to be stockpiled and processed on site. No additional buildings/structures are proposed at this time. Progressive rehabilitation has occurred on site as extraction has advanced which reduces the grade of the slope and introduces vegetation. The final plan would serve to create a small lake in the quarried area once the aggregate resource has been exhausted from the property as illustrated on the Progressive/Final Rehabilitation Site Plan (see Appendix 'C4').

The owner will subsequently apply for a Category 1 and 2 Aggregate License, being a Class "A" pit and quarry operation below the water table under the Aggregate Resources Act (ARA) once the application for rezoning to permit a quarry operation use is in place. However, a license will not be issued unless the appropriate zone is approved and in effect.

A number of studies have been submitted by the owner in support of the application. These include the following:

1. Planning Justification Report prepared by D.M. Wills Associates Limited (Landmark Associates Limited), and dated December, 2019. This report provides a planning analysis in the context of provincial and local planning policies pursuant to the Aggregate Resources Act to support an application to amend the Township of Mariposa Zoning By-law 94-07.
2. Addendum to Planning Rationale Report prepared by D.M. Wills Associates Limited, dated July 29, 2020. This addendum updates the previously submitted Planning Rationale Report in relation to the policies of the now in-effect 2020 PPS.
3. ARA Summary Statement prepared by Dennis C. Simmons and Land Management Consulting Services and dated March 19, 2019. This summary provides an overview of the proposed operation and references studies and requirements for a license application.
4. Level 1 and Level 2 Natural Environment Technical Report prepared by D Bell Environmental Services and dated May, 2013. The nesting habitat of

- bank swallows was found on the licensed property at pit face locations along the north limits of extraction. A mitigation plan has been prepared as directed by the Ministry of Natural Resources and Forestry (MNRF) to ensure suitable nesting habitat during the nesting season. In addition, Bobolink and Eastern Meadowlark were observed in pasture land within 120 metres of the licensed pit to the southwest. Extraction setbacks have been increased from 15 to 50 metres along a portion of the west licensed boundary to reduce impacts.
5. Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates and dated October 21, 2018. The assessment concluded that the licensed pit property possesses no cultural heritage value. A clearance letter dated January 9, 2019 was provided by the Ministry of Tourism, Culture and Sport.
 6. Hydrogeological Assessment prepared by Alpha Environmental Services Inc. and dated November 30, 2018. The report estimates that the water table is at an elevation of 274.71 masl, whereas extraction of blasted limestone will be undertaken to a depth of 260 masl and there will be no pumping of ground water. The report indicated that groundwater flow from the surrounding wells within a 500 metre radius would occur towards the on-site wash pond and concluded no groundwater monitoring is necessary since the proposed quarry operations will not impact existing wells or related hydrogeological functions. Notwithstanding, notes have been included on the operational site plans to ensure water wells within 500 metres of the site are to be sampled and analyzed.
 7. Noise Impact Study prepared by HGC Engineering Limited and dated February 5, 2019. The report considered potential effects on neighbouring noise sensitive receptors (residences) from drilling, extraction, processing and transportation sources. The report concluded that sound levels produced by on-site activities and associated equipment will comply with Ministry of Environment, Conservation and Parks (MECP) guidelines. Localized noise barriers would be required for the drilling equipment during a certain stage of quarry/drilling activities if the equipment exceeded a certain sound power level; however, no other operational noise preventive measures will be required.
 8. Blast Impact Study prepared by DST Consulting Engineers and dated July 17, 2019. The report identifies blast parameters and procedures to be followed to ensure no impact on neighbouring properties, including monitoring for vibration and overpressure at two of the closest receptors. The report concluded that blasting can meet MECP regulations provided the recommended blast parameters are implemented and that blast induced vibrations at the proposed quarry will not affect water wells in the area, however, well monitoring was recommended.

9. Existing Features Plan, Pit Operational Site Plan, Quarry Operational Site Plan and Progressive/Final Rehabilitation Site Plan prepared by Coe Fisher Cameron Land Surveyors and dated October 9, 2019.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Rationale Report and Addendum that was prepared and filed in support of the applications and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans. Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments.

Applicable Provincial Policies:

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

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

In accordance with Section 2.2.9, within Rural Areas, development is permitted for the management and use of resources, which would include both the pit and quarry operations on the subject lands.

In accordance with Section 4.2.2, the subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature nor within 120 metres of a key natural heritage feature within the Natural Heritage System or within 120 metres of a key hydrologic feature and therefore not subject to the applicable policy requirements related to the Natural Heritage System.

Section 4.2.6 provides for the retention of agricultural uses and preservation of agricultural land. Although the subject lands have been identified as prime agricultural in the Province's mapping, the policies do not apply as they are designated "Aggregate" within the City's Official Plan. Notwithstanding, no negative impacts are anticipated to surrounding agricultural uses.

Section 4.2.7 pertains to preserving Cultural Heritage resources. The submitted Archaeological Assessment did not identify the property as having cultural heritage value.

Under Section 4.2.8.1, mineral aggregate resources, such as sand, gravel and limestone are to be protected with an emphasis on recovery and recycling of materials derived from these resources for reuse. Sections 4.2.8.3, 4.2.8.4 and 4.2.8.5 provide guidance for rehabilitation and appear to be specific to new mineral aggregate operations as well as those located within prime agricultural lands or the Natural Heritage System, which are not applicable as it is not

identified in the City's Official Plan. Furthermore, the proposed quarry operation would appear to be an additional use within an existing mineral aggregate operation and not necessarily a new mineral aggregate operation.

Notwithstanding the above, the submitted Planning Justification Report had regard for the rehabilitation policies of Section 4.2.8.4, which are specific to new operations outside the Natural Heritage System and identified that the soil profile of the property would not have been ideal for agricultural uses, specifically cropland. Therefore, the disturbed area of the site will be rehabilitated to a small lake, which is considered of greater ecological value than the previous existing state of the land, providing a natural feature not prevalent to the area; and which may otherwise provide an opportunity of a different form of agriculture being fish farming/aquaculture. The resulting lake is intended to either provide an agricultural opportunity, or otherwise form a natural ecosystem.

In consideration of the above, the application appears to conform with the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement (PPS) provides policy direction for the appropriate development of land, while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. This application considers a number of Provincial policy interests including mineral aggregate resource availability from a close to market location, protection of significant natural heritage features and areas of ecological functions, the protection of groundwater and surface water resources, operational design to ensure no adverse impacts on adjacent sensitive land uses and protecting significant cultural heritage and agricultural resources.

Policies 1.1.4 and 1.1.5 of the PPS directs that upon rural lands within rural areas, permitted uses and activities are to relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape that can be sustained by rural service levels.

Development and site alteration shall also be directed in accordance with the policies of Section 2.1 (Natural Heritage) and 3.1 (Natural Hazard) 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 proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS.

Section 2.2 provided policies to the protection of water quality and quantity. Both the Hydrological Assessment and the Blast Impact Assessment concluded that no impacts are anticipated to local wells.

Section 2.5.2 provides protection for mineral aggregate long term resource supply and Sections 2.5.2.1, 2.5.2.2, 2.5.2.3 and 2.5.2.4 provide the following:

- As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible;
- Extraction shall be undertaken in a manner which minimized social and environmental impacts;
- Mineral aggregate resource conservation shall be undertaken including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Section 2.5.3 provided policy with respect to Rehabilitation, where progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Progressive rehabilitation is being actively achieved in the current pit operation and will continue to be instituted as outlined on the site plans.

Section 2.6 provides that significant cultural heritage landscapes are to be conserved. According to the findings of the Archeological Assessment, the property does not hold any cultural heritage value.

Subject to confirmation from the relevant Departments and/or Agencies, these applications appear to be consistent with the PPS.

Official Plan Conformity:

The existing designation under the City of Kawartha Lakes Official Plan is "Aggregate". This designation permits pits and/or quarries licensed pursuant to the Aggregate Resources Act.

In addition, accessory uses such as crushing, screening, washing, stockpiling, and blending, weight scales, operational maintenance/repair facilities, and offices and associated facilities are permitted as well as associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. Furthermore, dimensional stone quarry operation with crushing and blasting operation within a licensed quarry and recycling may

be permitted in a site-specific by-law for the recycling only of inert materials such as asphalt, concrete, brick, porcelain and reclaimed aggregate products.

The Official Plan requires appropriate studies where a quarry is proposed to ensure that the impact is acceptable and the City may peer review the studies to determine if the findings are acceptable. As indicated in this report, the applicant has submitted various studies to satisfy the pre-consultation requirements and additional studies required by the MNRF and MECP to obtain the necessary aggregate license. Although the technical studies concluded that no impacts are anticipated to water resources and potential noise and vibration impacts can be mitigated in accordance with MNRF and MECP guidelines and a mitigation plan has been prepared with respect to ensuring protection for Species at Risk (SAR) on the site, the City still requires to obtain all peer review comments including responses from MNRF and MECP, and to evaluate these comments and recommendations for appropriate implementation.

In this regard, Section 23.5.4 of the Official Plan requires the City to be satisfied that the site plans submitted to the Province under the Aggregate Resources Act satisfies all the City's concerns prior to the approval of a zoning amendment for an aggregate operation. All required comments and/or recommendations will need to be included on the submitted site plans.

Aggregate Policy Review:

The City is currently engaged with accepting and reviewing public and stakeholder submissions to provide input into this process as well as monitoring changes to Provincial policies and regulations.

Zoning By-Law Compliance:

The application proposes to change the zone category on this property from the Extractive Industrial (M3) Zone to an Extractive Industrial Exception (M3-*) Zone. This will permit a quarry operation, in addition to the existing sand and gravel pit operation, and ancillary uses to the operation such as recyclables storage area as a permitted use. In this regard, reclaimed materials such as asphalt, concrete and brick may be imported to the property and temporarily stored, with the intent to sell those materials.

The existing pit operation currently meets or exceeds all zone provisions of the 'M3' Zone with the exception of the excavation setback to the rear lot line that shares a common boundary where there is a separate licensed pit operator. No changes to the existing excavation or stockpile setbacks are proposed as part of the rezoning application. Otherwise, excavation setbacks meet and stockpile setbacks exceed the minimum requirement to all relevant properties.

Prior to recommending approval of a zoning by-law amendment to permit the proposed use, Staff will need to ensure that the aggregate site plans adequately

address any requirements of the submitted studies and reports, including comments to be noted by the City's peer reviewers. It is also recommended that the owner applicant provide a timeline to file the appropriate License under the Aggregate Resources Act.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

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

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

This application aligns with the Healthy Environment strategic goal as it protects water quality and natural features and functions while managing aggregate resources.

Servicing Comments:

The proposed use does not require water or sanitary services and therefore, such servicing is not considered in this report.

Consultations:

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

Public Comments:

On July 20, 2020, an inquiry from S. Thomas was made with respect to the proposed quarry operation and the location of the recyclables storage area as the family owns property at 657 Peniel Road.

Agency Review Comments:

On July 20, 2020, the Engineering and Corporate Assets Department advised they had no objection to the proposed zoning by-law amendment application.

On July 21, 2020, the Building Division advised they had no concerns with the application.

Development Services – Planning Division Comments:

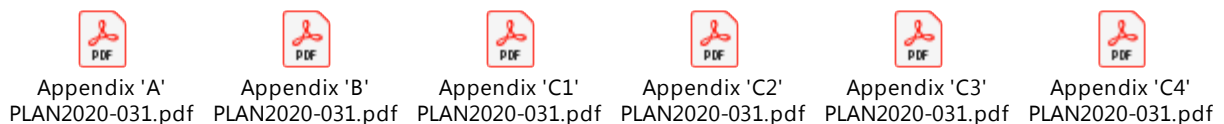
At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

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

Attachments:

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



Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C1' - Existing Features
Appendix 'C2' - Pit Operation Site Plan
Appendix 'C3' - Quarry Operation Site Plan
Appendix 'C4' – Progressive/Final Rehabilitation Site Plan

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

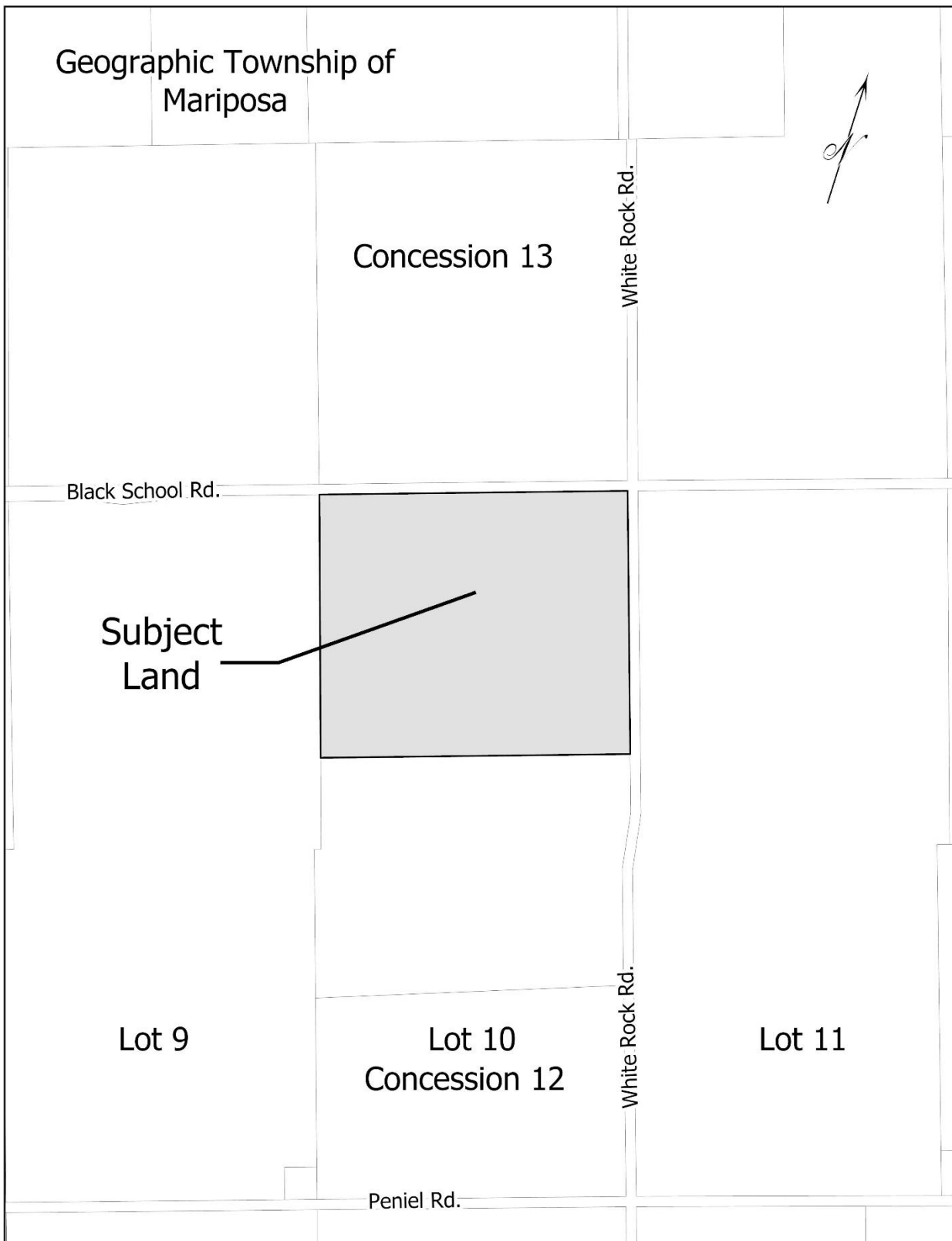
Department File: D06-2020-004

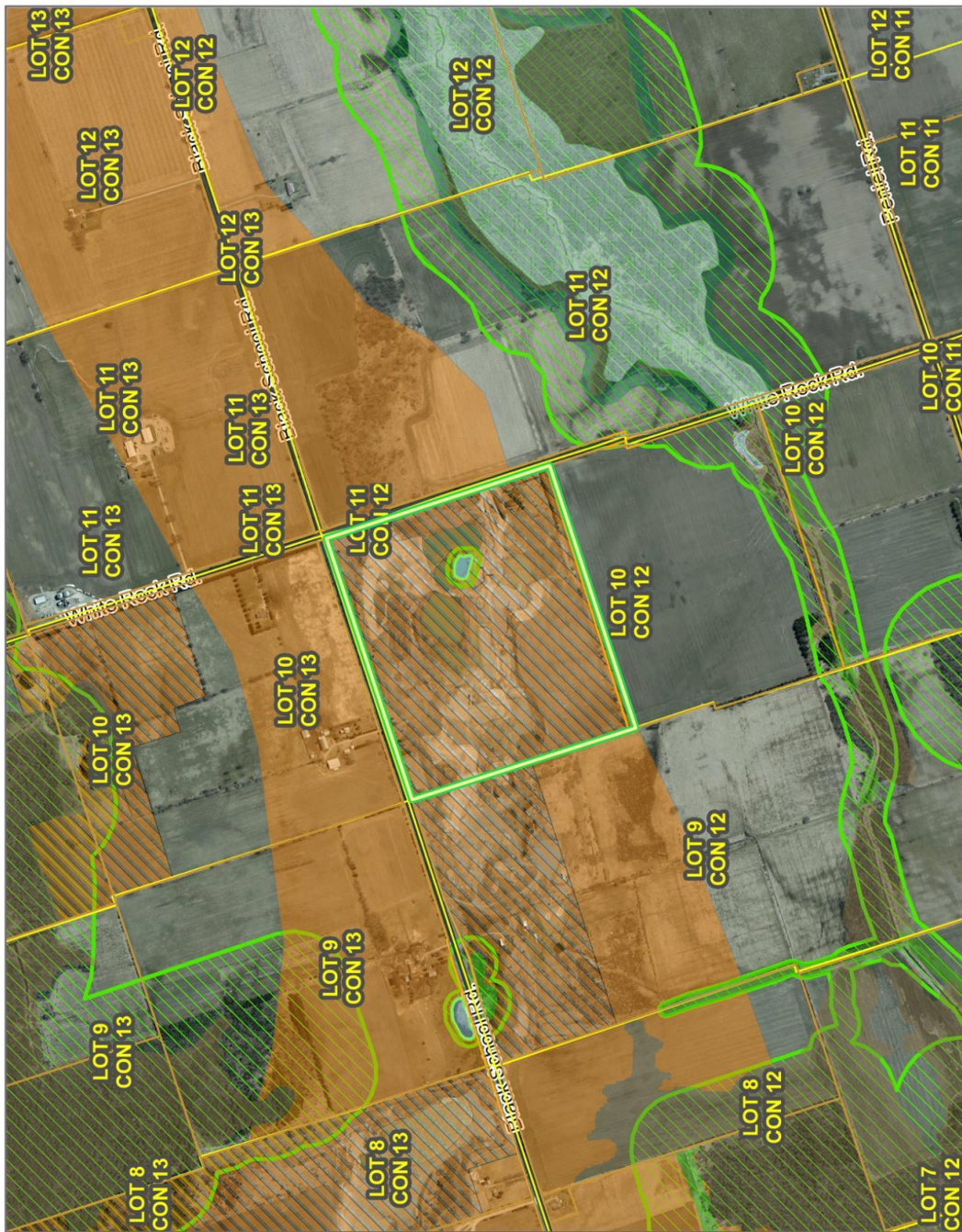
APPENDIX " A "

to

REPORT PLAN2020-031

FILE NO: D06-2020-004





- Legend**
- Property Roll Number
 - Property PIN
 - Lots and Concessions
 - Wetlands
 - Locally Significant Wetlands
 - Provincially Significant Wetlands
 - Water Body
 - Waterbodies
 - Unevaluated Wetlands
 - Woodland
 - CKL_River_Buff15m
 - Aggregate
 - Resource_Reserve
 - Prime_Agricultural
 - Natural_Heritage_System_Are
 - Road_Centreline (2016 Needs
 - Upper Municipalities
 - Lower Tier Municipalities
 - KRCA Regulated Areas

Notes

This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.



0.90 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "

to

REPORT PLAN2020-031

FILE NO: D06-2020-004

FILE NO: D06-2020-004

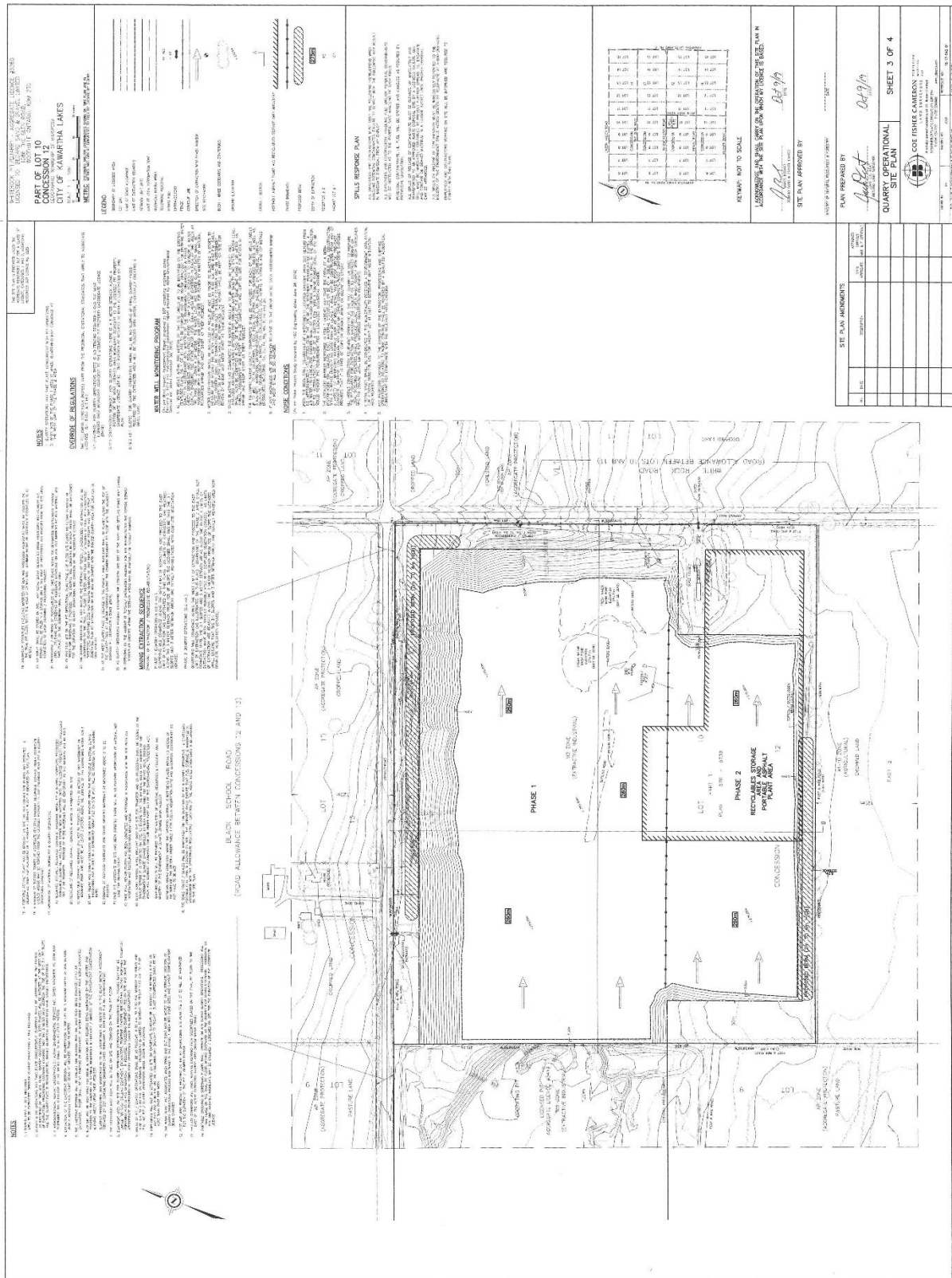




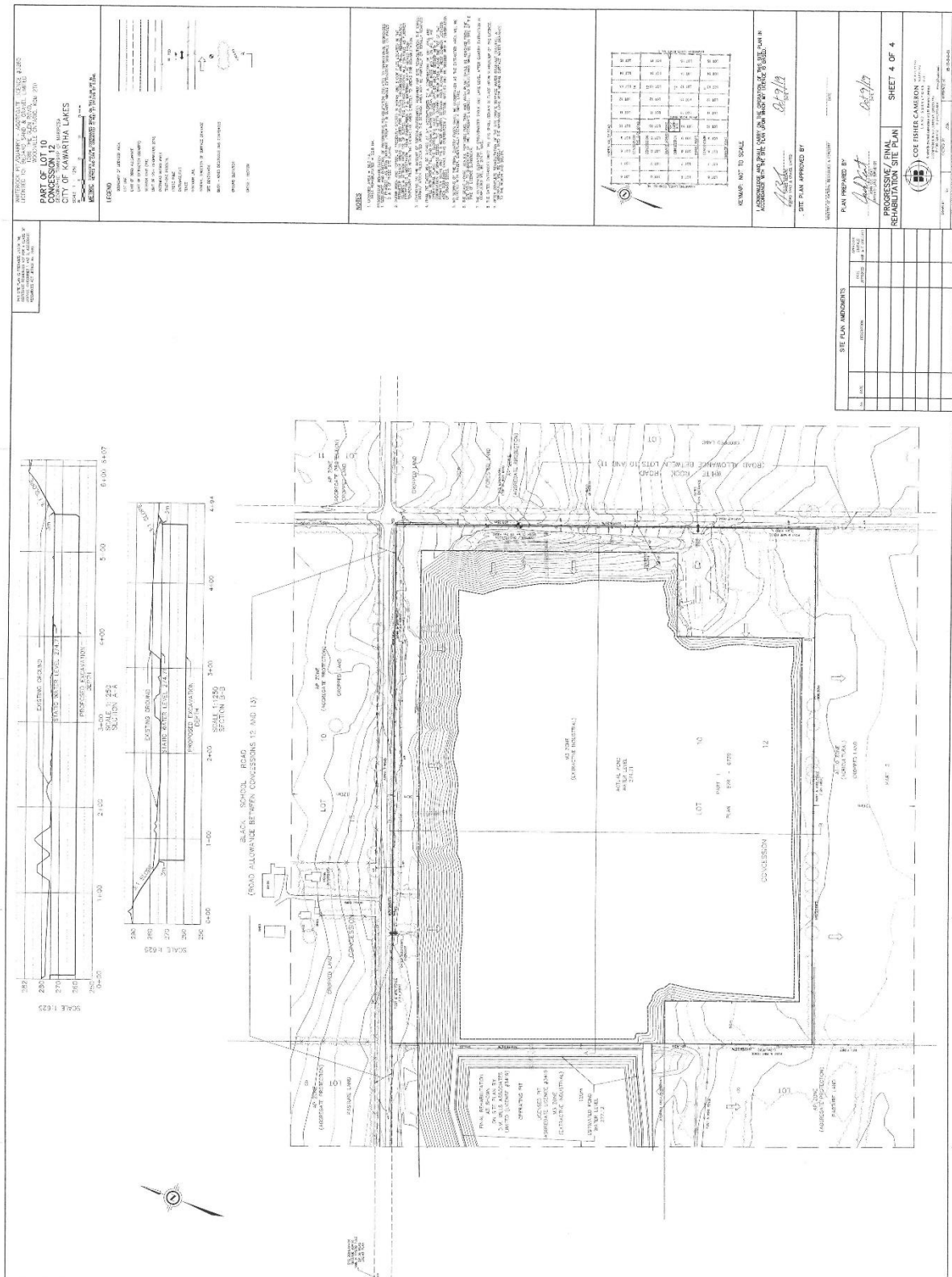
to

REPORT PLAN2020-031

FILE NO: D06-2020-004



FILE NO: D06-2020-004



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-032

Meeting Date: August 12, 2020

Public Meeting

Title/Description: Applications for Zoning By-law Amendment to amend the Village of Bobcaygeon Zoning By-law 16-78 and a Draft Plan of Condominium to permit a residential condominium development consisting of 48 townhouse dwelling units on a common elements condominium road accessed from Lakewood Crescent, former Village of Bobcaygeon, now City of Kawartha Lakes (Port 32 Inc.)

Ward Number: 2 - Bobcaygeon

Author and Title: Mark LaHay, Planner II

Recommendation(s):

That Report PLAN2020-032, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, “Port 32 Inc. – Applications D06-17-028 & D04-17-001”, be received; and

That the applications respecting the proposed Zoning By-law Amendment and the Draft Plan of Condominium 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.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The initial statutory public meeting was held by the Planning Advisory Committee on November 8, 2017, which adopted the following recommendation:

PC2017-045

Moved By Councillor Junkin

Seconded By Councillor Macklem

Recommend That Report PLAN2017-065, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, "Frederick G. Reynolds Inc. – Applications D06-17-028, D05-17-004 & D04-17-001", be received; and

That the applications respecting the proposed Zoning By-law Amendment, together with the Draft Plan of Subdivision and Draft Plan of Condominium 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 November 14, 2019, Council adopted the following resolution:

CR2017-978

Moved By Councillor O'Reilly

Seconded By Councillor Veale

Resolved That the Minutes of the November 8, 2017 Planning Advisory Committee Meeting be received and the recommendations be adopted.

Carried

Notwithstanding the above direction, this report addresses the revised applications for Zoning By-law Amendment and Draft Plan of Subdivision that were submitted as the new owner has acquired the property and revised the number and configuration of the proposed dwelling units. Therefore, another public meeting is required to consider the amended proposal.

The original proposal was to permit a residential plan of subdivision consisting of 7 lots for single detached dwellings with frontage on Lakewood Crescent, and one block for the residential condominium plan consisting of 24 semi-detached and 2 single detached units fronting onto a common elements condominium road accessed from Lakewood Crescent.

The revised proposal is to permit a medium density residential plan of condominium consisting of 48 townhouse dwelling units arranged in 8 bungalow townhouse blocks fronting onto a common elements condominium road accessed from Lakewood Crescent. There will be no regular access from Austin Boulevard; only emergency access via a gate. The proposal will be developed on full municipal services. The Zoning By-law Amendment proposes to rezone the land from the “General Industrial (M2) Zone” to an “Urban Residential Type Four Exception (R4-*)” to permit 48 townhouse dwelling units with site specific zone provisions.

Owners:	Port 32 Inc. (formerly Fredrick G. Reynolds Holdings Inc.)
Applicant:	TD Consulting Inc. – Tom deBoer
Legal Description:	Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon
Designation:	“Urban”, on Schedule A-2 of Victoria County Official Plan.
Zone:	“General Industrial (M2) Zone” on Schedule ‘A’ of the Village of Bobcaygeon Zoning By-law No. 16-78
Lot Area:	1.692 ha. [4.18 ac. – MPAC]
Site Servicing:	Proposed municipal water and sanitary sewer, drainage swales and storm sewers
Existing Uses:	Vacant Industrial Land/Prior Storage Buildings
Previous Uses:	Small household appliances manufacturing, construction storage and woodworking activities
Adjacent Uses:	North: Lakewood Crescent/Low Density Residential East: Austin Boulevard/Apartment/Condo/Residential South: River Park Drive/Open Space/Bobcaygeon River West: Industrial/Commercial/Public Use (Forbert Memorial Pool)

Rationale:

The property is located on the south side of Lakewood Crescent, south of a single-detached residential subdivision, and is on the west side of Austin Boulevard and the north side of River Park Drive (see Appendix ‘A’). The owners propose a residential plan of condominium consisting of 48 townhouse dwelling units in 8 bungalow townhouse blocks on a common elements condominium road accessed from Lakewood Crescent (see Appendices ‘C’ and ‘D’). The proposed development will be on full services. Municipal water, sanitary sewer and storm sewers are to be provided. There will be no regular access from Austin Boulevard; only emergency access via a gate near the southeast portion of the site. An amendment to the Zoning By-law is necessary to permit the residential use, along with a plan of condominium.

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

1. Planning Rationale Report prepared by Design Plan Services Inc., dated March 2020. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS), 2019 Growth Plan, the Victoria County Official Plan, the City of Kawartha Lakes Official Plan and Bobcaygeon Secondary Plan, and the Village of Bobcaygeon Zoning By-law.
2. Addendum to Planning Rationale Report prepared by Design Plan Services Inc., dated July 29, 2020. This addendum updates the previously submitted Planning Rationale Report in relation to the policies of the now in-effect 2020 PPS.
3. Urban Design Analysis, prepared by Design Plan Services Inc. and Hunt Design Associates Inc., dated June, 2020. This document provides details on the urban design, built form and landscape features.
4. Karst Topography Assessment Letter Report prepared by GHD dated March 30, 2017. The report suggested other development in the immediately surrounding land has used a successful construction approach and provided four recommendations that are relevant to addressing any potential presence of shallow karst bedrock within the building footprint during construction.
5. Phase One and Phase Two Environmental Site Assessment Reports prepared for Port 32 Inc. by GHD, dated February 5, 2020. Based on the Phase Two ESA, there is a low level of concern from an environmental perspective and a Record of Site Condition (RSC) can be filed for the subject project for the change in land use from commercial to residential.
6. Stage 1 and 2 Archaeological Assessment prepared for Marshall Homes by ASI Archaeological & Cultural Heritage Services dated July 27, 2016. The report identifies and evaluates the proposal with respect to archaeological resources. The report acknowledged that during the course of the survey, no archaeological resources were encountered and recommended that no further archaeological assessment of the property is required.
7. Letter from Ministry of Tourism, Culture and Sport dated August 9, 2016 acknowledging the above-noted Archaeological Assessment being entered into the Ontario Public Register of Archaeological Reports.
8. Building Elevations and Floor Plans prepared for Marshall Homes prepared by Hunt Design Associates Inc., dated July 2019.

9. Topographic Plan prepared by Coe Fisher Cameron, Ontario Land Surveyors dated May 30, 2018
10. Conceptual Site Plan prepared by TD Consulting Inc., revise dated March 17, 2020.
11. Proposed Draft Plan of Condominium prepared by Coe Fisher Cameron, Ontario Land Surveyors dated June 25, 2020
12. Traffic Impact Study Addendum prepared for Port 32 Inc. Marshall Homes by Trans-Plan Transportation Inc., dated December 2019. The study suggests that for the 2030 horizon, the study area intersections are expected to operate acceptably without the need for roadway improvements to accommodate the subject site. A review of the site circulation demonstrates all design vehicles can properly circulate without conflict. The proposed parking meets the zoning by-law requirements. The study recommended that the proposed development could proceed without any further improvements to the surrounding area.
13. Functional Servicing Report prepared by Engage Engineering Ltd., and Lakeview Engineering Inc., dated October 2019. The report examines municipal water and sanitary servicing options for the property as well as stormwater management. The report concludes that there is sufficient servicing capacity within the treatment plants to connect the proposed development to municipal water and wastewater services. Stormwater quantity control is not required due to the proximity of the receiving downstream waterbody, being the Little Bob Channel and Pigeon Lake. Quality control measures include a treatment train, low impact development (LID) approach, including the implementation of a bioretention cell and an oil/grit separator.
14. Conceptual Cost Estimate prepared for Port 32 Inc., by Lakeview Engineering Inc., dated March 2020.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Rationale Report and Addendum that was prepared and filed in support of the applications and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans. Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments.

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. The proposed development will provide infill residential development on full municipal services and be located within the Bobcaygeon settlement area. The GP envisions

increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

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 appear to 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 in Section 1.1.1 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;
- 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 densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;

- e) support active transportation;

Section 1.1.3.3 directs Planning authorities to identify locations and promote opportunities to accommodate a significant supply and range of housing options through intensification and redevelopment in 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. The proposed development for intensification and redevelopment occupies a brownfield site and will utilize existing municipal infrastructure.

The Housing policies of Section 1.4.3 state that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities in areas where it exists or is to be developed;
- f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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 proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS. Previously, the Kawartha Region Conservation Authority (KRCA) did not have any concerns with natural heritage or natural hazards. In relation to Section 3, the GHD Consultant's Report stated that with the exception of the southern portion of the site, the site inspection yielded no visual indicators of karst topography (i.e. sink holes, depressions, open fractures, disappearing streams) and provided recommendations to follow related to construction of foundations for the proposed development. This Karst Topography Assessment has been submitted which has been circulated to the KRCA for review and comment. Also, in relation to Section 3, a Phase One and Two Environmental Site Assessment (ESA) has been circulated for review and comment in relation to Human-Made Hazards. Based on the information in the Phase Two ESA, there

is a low level of concern from an environmental perspective and a Record of Site Condition (RSC) can be filed for the subject project for the change in land use from the former light industrial to residential. In this regard, an acknowledgement letter was received from the Ministry of Conservation, Environment and Parks (MECP) dated June 16, 2020 confirming the filing of the RSC.

Subject to confirmation from the relevant Departments and Agencies, these applications appear to be consistent with the PPS.

Official Plan Conformity:

The “Urban” designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed “Urban Settlement Area” designation in the City of Kawartha Lakes Official Plan (CKLOP) and the “Residential” designation in the Bobcaygeon Secondary Plan (SP), are both subject to appeal to the Local Planning Appeal Tribunal. The Urban designation permits all types of residential uses and densities; however, low density shall predominate. Single detached and semi-detached dwellings are considered a low density form of development, while medium density permits development in the form of row or cluster dwellings and apartments. In this case, the density shall not exceed 35 units per net hectare. The proposed density on the subject land, being approximately 29 units per net hectare, falls within the medium density range and conforms to the density policies in the VCOP, and is in keeping with the general policies of the proposed CKLOP and SP for residential use of land within the settlement area of Bobcaygeon.

Sections 3.2.5 and 4.4.3 of the Victoria County Official Plan (VCOP) states that affordable housing will be encouraged. At this point, the applicant has not demonstrated that a portion of the proposed residential development will be affordable or provided justification if not. Staff are reviewing the Housing Affordability policies in the Official Plan; however, implementation may be at the discretion of Council in the interim prior to a housing strategy being in place. The type of housing proposed in the form of townhouses provides more density, which is supported by the housing policies in the PPS.

Zoning By-Law Compliance:

The subject land is zoned “General Industrial (M2) Zone” in the Village of Bobcaygeon Zoning By-law 16-78. The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone to an Urban Residential Type Four Exception (R4-*) Zone, to permit a 48 medium density residential townhouse dwelling units with site specific provisions relating to minimum lot area, lot frontage, front, rear, interior or exterior side setback and maximum lot coverage on the subject lands.

With respect to the rezoning application, the owner/applicant has also expressed interest in pursuing a Minister's Zoning Order (MZO) for the subject property. A MZO controls the use of land and sets specific requirements for new development, such as minimum lot sizes, frontage, access and servicing requirements. If Council agrees with this approach, it would be processed by the Province and would not be subject to appeal.

The draft zoning by-law provided in this regard appears to have been structured to provide specific zoning provisions related to the ownership of each condominium unit and its respective front and rear yard amenity space and not to the entire lot as a whole. More detail is required to determine the minimum lot area specified for each unit. Also, certain encroachments (i.e. decks, covered porches, etc.) are permitted within any minimum yard setback, but the provision does not state the allowable extent of permitted encroachment. A maximum number of dwelling units should also be specified. Furthermore, the permitted use should state townhouse dwellings, which is a defined term under the Village of Bobcaygeon Zoning By-law 16-78. Staff is further reviewing the site specific zoning by-law provisions applicable to the proposed development.

Other Alternatives Considered:

No other alternatives other than the previous proposal have been considered.

Financial/Operation Impacts:

There are no financial/operational considerations unless Council's decision to adopt or its refusal to adopt the requested amendment and the Draft Plan Approval request 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 promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible.

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 Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report confirms that the subject lands are serviceable with sufficient capacity within the existing municipal infrastructure; however, this will need to be confirmed by the City's Engineering and Public Works Divisions.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting for the original applications was held on November 8, 2017. To date, we have received the following comments:

Public Comments (Original Proposal):

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

Subsequent to the report, comments were received from W. Hartigan, a resident at 10 Mill Street who was concerned regarding the potential traffic impacts and traffic flows and vehicle speeds in the area.

Agency Review Comments (Original Proposal):

On October 19, 2017, Enbridge Gas Distribution advised they do not object to the proposed applications and advised they do not presently have gas piping within the immediate area.

On October 20, 2017, Canada Post Corporation advised that the community mailbox location is satisfactory and requested occupancy dates when available along with civic addresses.

On October 26, 2017, the Chippewas of Rama First Nation advised that they reviewed the Notice of Applications and have shared it with Council and forwarded the information to the Williams Treaties First Nation Process Coordinator/Negotiator should any further action be required.

On October 31, 2017, Hydro One advised they have reviewed the submission relating to the applications and have no comments or concerns.

On December 5, 2018, the Engineering and Corporate Assets Division provided a detailed response in relation to the applications and within their general comments advised at this time they did not support the Zoning By-Law Amendment and indicated that a Phase 2 Environmental Site Assessment is required before a Record of Site Condition is available. Engineering also identified that the City requires a Block of land, for the existing servicing infrastructure to Forbert Memorial Pool, for operations and maintenance purposes. They also advised that the engineering design must identify water, sanitary and storm service laterals, service lateral separation distances, setbacks, existing infrastructure, etc. to ensure there are no conflicts, and compliance with MOECC requirements. Furthermore, a Composite Utility Plan was requested to confirm how the existing utility infrastructure (i.e. overhead hydro and telephone) will be addressed. The balance of the Engineering comments below pertains to water and sanitary servicing, stormwater infrastructure and traffic.

With respect to water and sanitary servicing, Engineering required that servicing for the proposed 7 lots shall be from existing municipal infrastructure fronting the proposed lots on Lakewood Crescent with individual water and sanitary service lateral connections from the main while one domestic water connection and one sanitary service is permitted for the condominium Block. Internal water servicing should be looped. Engineering also advised that Fire service water connections must be a separate service lateral connected at the main, independent from the domestic water service lateral, and appropriately sized by the consulting engineer and hydrants required for fire protection for the condominium must be identified as private infrastructure and installed within the private property. They also noted that the topographic survey identifies water valves that exist on the proponent's property outside of the existing easement. All existing municipal infrastructure must be captured within the required Block, to be conveyed to the City. Other sanitary services comments related to the confirming the extent of existing sanitary infrastructure as well as providing appropriate maintenance inspection locations.

With respect to stormwater, Engineering advised that infrastructure serving the proposed condominium block and proposed private lots is identified to be installed within the Austin Boulevard right of way (enhanced grass swale), whereas the stormwater management (quality and quantity control) must be addressed within the private site. Additional comments were provided regarding storm infrastructure maintenance inspection locations and a detailed engineering design is required for proposed culvert installations on Lakewood Crescent as well as a detailed engineering design is required for storm sewer infrastructure proposed to be installed within the Austin Boulevard right of way, including a Plan

& Profile for Austin Boulevard. A Ministry of the Environment and Climate Control (MOECC) Environmental Compliance Approval (ECA) is required.

With respect to traffic, Engineering recommended one site access from a municipal road (i.e. Lakewood Crescent), and that laneways are looped internally. Alternatively, if access is also proposed on Austin Boulevard, Austin Boulevard must be upgraded to current municipal standards. A detailed engineering design is required, including a plan and profile which addresses infrastructure to be installed and the proposed storm outlet. Engineering requires confirmation from the City's Emergency Services departments regarding site access and emergency access requirements and a detailed engineering design is required for all proposed entrances to the site.

On December 12, 2017, the Kawartha Region Conservation Authority (KRCA) provided a detailed response and in summary advised that while they have no concerns regarding the development as it pertains to natural hazards (karst) and natural heritage features, additional information is required regarding stormwater management and erosion and sedimentation control, prior to staff being in support of the application.

On March 21, 2018, the Building Division noted no concerns with the applications.

On March 28, 2018, the Community Services Department advised they would support a connecting link/walkway to the Forbert Memorial Pool from the proposed condominium roadway. Further information would be required with respect to location, construction type and future maintenance including winter control measures.

On March 28, 2018, the Fire Department advised of the following comments relating to the applications including requiring a minimum 6 metre clear width for emergency vehicles, centreline radius to be not less than 12 metre road network to be designed to support emergency vehicle loads and guarantee all-weather accessibility, access to Austin Boulevard preferred over a turnaround/dead end, fire route signage, maintenance agreement for access to Austin Boulevard and information regarding servicing and fire hydrant layout.

Public Comments (Revised Proposal):

On July 17, 2020, M. and C-A. Sones, who reside at 41 South Harbour Drive advised they want to make some proposals regarding the aesthetics to ensure that their view from their back yard is not adversely affected. They are also concerned about what the plan is for the Osprey nest, which is presently located on or about the location of Unit 39 or 40 of the Site Plan. On July 29, 2020, they also asked if the plan is to build a wall around the development as a divider

between the City's road allowances and the condominium property. They requested further information about the hydro, phone and cable services which are above ground on the south side of Lakewood Crescent, and which service properties farther to the east of the proposed development.

On July 30, 2020, M. Groat, a resident of 29 Lakewood Crescent (Unit 211) inquired whether there will only be one access to the development from Lakewood Crescent and to confirm there would not be an access from Austin Boulevard. In addition, as there was a requirement to satisfy landscaping requirements from the Port 32 residents that live across the road when the 29 Lakewood Crescent was developed/built, he asked if there is a current landscaping plan available for review/discussion to ensure that the appropriate tree/shrub planting takes place to provide for suitable separation given the entire site field of trees was removed last fall. Lastly, he was concerned about the amount of construction traffic along Lakewood Crescent once development begins and currently Lakewood Crescent is in very bad shape with regards to road deterioration, potholes, etc. He inquired as to what are the plans to maintain the road during the construction period and to repair it adequately once all construction activity finishes and 48 additional residential owners start to travel the roadway.

These comments are being forwarded to the applicant and/or City Departments for review.

Agency Review Comments (Revised Proposal):

On July 21, 2020, the Building Division advised that they have no concerns with the applications. They reserve the right to more detailed review at time of site plan circulation and site servicing permit.

Development Services – Planning Division Comments:

The applications for Zoning By-law Amendment and Draft Plan of Condominium appear to conform to the Growth Plan and subject to further confirmation from relevant Departments and/or Agencies, appear to be consistent with the Provincial Policy Statement. Staff is also further reviewing the applicable policies of the Official Plan. 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.

A number of design elements can be addressed at the site plan approval stage, including but not limited to parking areas and driveways, building elevations, amenity spaces, pathways, landscaping, buffer areas and fencing and lighting.

At this time, comments have not been received from all circulated agencies and City Departments. Therefore, Staff recommends the applications be referred

back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

Conclusion:

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

Attachments:

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



Appendix 'A'
PLAN2020-032.pdf



Appendix 'B'
PLAN2020-032.pdf



Appendix 'C'
PLAN2020-032.pdf



Appendix 'D'
PLAN2020-032.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Concept Site Plan
Appendix 'D' – Proposed Draft Plan of Condominium

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

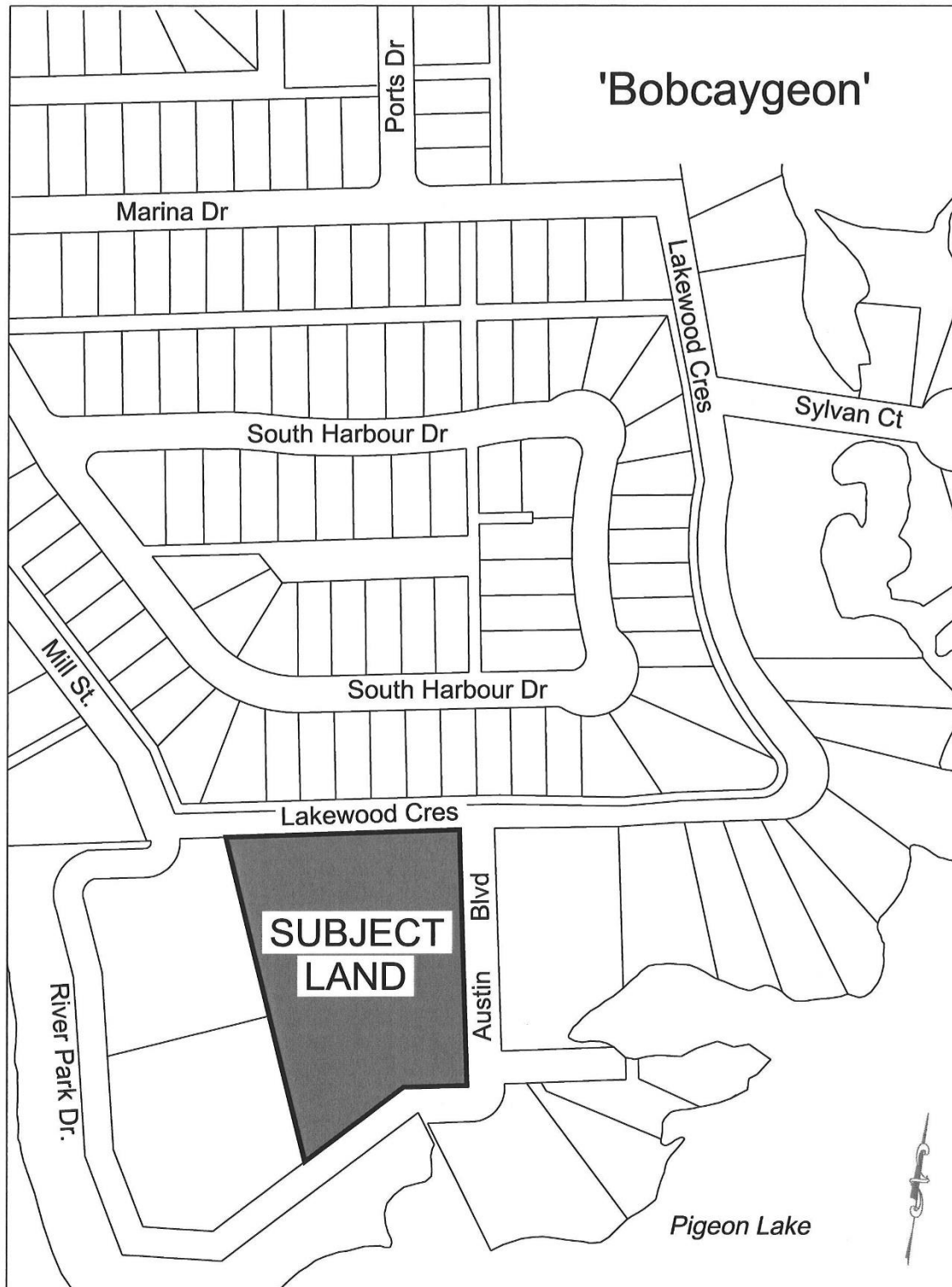
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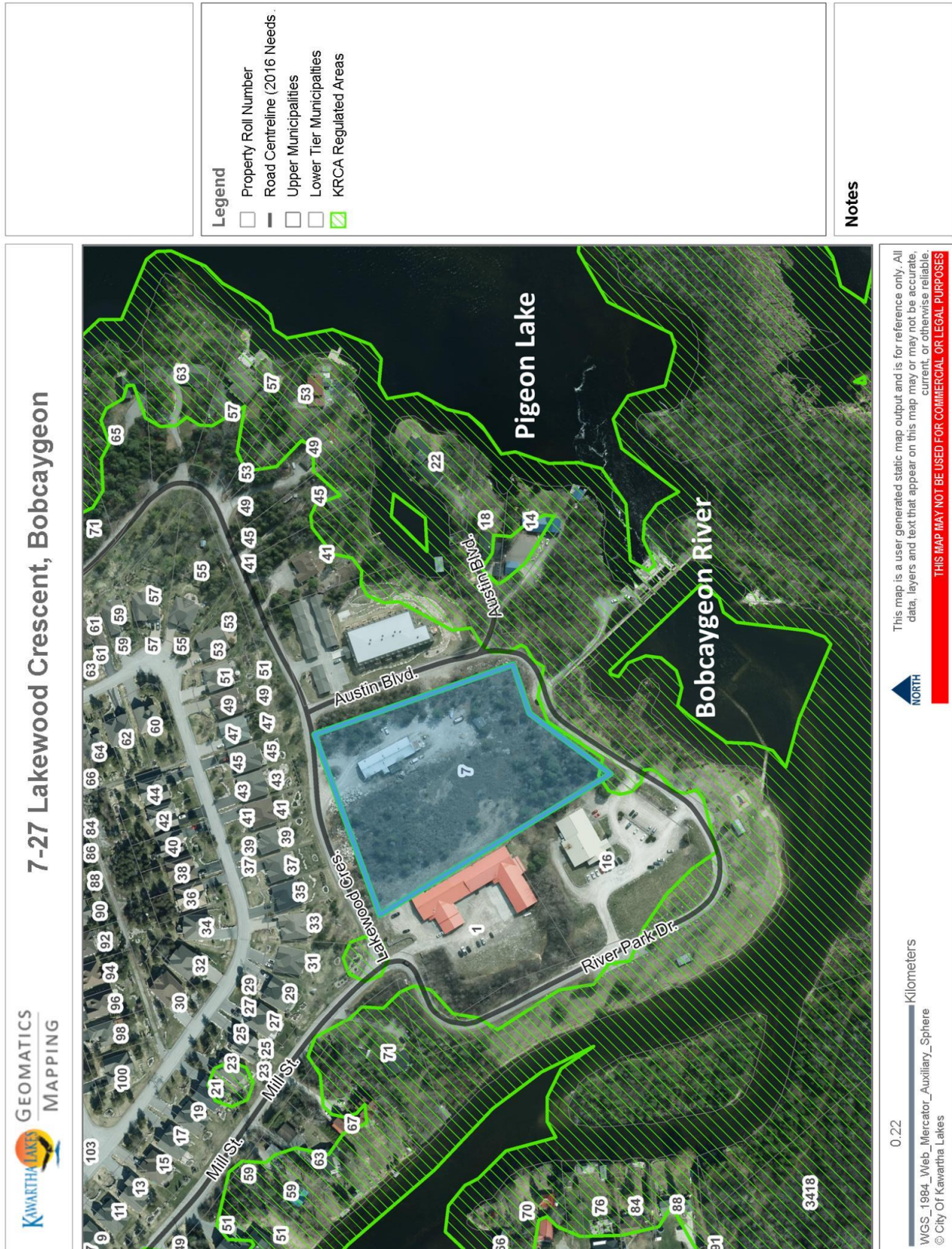
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REPORT PLAN2020-032
FILE NO: DO6-17-028
D04-17-001



D04-17-001





PAC Memorandum

Date: August 12, 2020
To: Members of the Planning Advisory Committee
From: Anna Kalnina
Re: Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Proposed Land Needs Assessment Methodology

Recommendation

That PAC Memorandum, Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Proposed Land Needs Assessment Methodology, be received.

Background

The Ontario government was consulting on the Proposed Amendment 1 to A Place to Grow (APTG): Growth Plan for the Greater Golden Horseshoe, 2019 and a new Land Needs Assessment Methodology (LNA). The proposals were released on June 16, 2020 and the last day for comments was July 31, 2020. The changes are intended to increase housing supply, create jobs, attract business investment and better align with infrastructure.

The Amendment 1 to APTG proposes to:

- Review and update the distribution of population and employment in Schedule 3 of APTG, where forecasts are to be treated as minimums;
- Remove Schedule 7 Simcoe Area Growth Forecasts;
- Extend the planning horizon from 2041 to 2051, but maintain existing forecasts for 2031 and 2041 to accommodate a GGH growth outlook of 15 million people and 7 million jobs;
- Facilitate new mineral aggregate operations by removing the restriction on new operations locating in the habitat of endangered species and threatened species;



- Allow conversions of employment areas to non-employment uses within provincially significant employment zones and within major transit station areas ahead of the municipal comprehensive review (MCR);
- Align policies with the Provincial Policy Statement, 2020 including a requirement for planning authorities to engage on planning matters with Indigenous communities to ensure appropriate engagement is undertaken; and
- Housekeeping modifications to the Growth Plan transition regulation (O. Reg. 311/06) including the option of completing the MCR through a phased approach rather than one single new official plan or a plan amendment.

In addition to being used to determine the need for boundary expansions, the LNA Methodology must be used by municipalities as part of their MCR to determine the amount of land required to accommodate the amount and type of additional housing units and jobs required to meet market demands.

The Methodology would require municipalities to do a community area land needs assessment and an employment area land needs assessment, and it identifies components that are required as a minimum through the MCR for allocating housing, community area jobs and employment area jobs. The new LNA Methodology proposes a streamlined approach to land budgeting activities, intended to reduce overall complexity and provide more flexibility.

Discussion

In response to questions raised at the June 23, 2020 Council and July 15, 2020 PAC Meetings, staff provide the following comments:

The Province establishes the population and employment forecasts in Schedule 3 of APTG. The Province procured the services of Hemson Consulting Ltd. for revised forecasts last fall. The Schedule 3 forecast is produced using an evidence-based methodology that incorporates the best available economic, environmental and demographic data and includes consultation with the municipality and other technical and advisory groups. Through extensive modelling and analysis, the methodology reflects assumptions about fertility, mortality, migration and immigration rates, and the distribution method accounts for relevant planning policies for intensification and density targets. With respect to the City, the 2020 forecasts assume continued modest population and employment growth, with a sizeable amount of population growth arising from the conversion of second homes to permanent dwellings. The age structure will continue to have an older profile than most other parts of the GGH in 2051. The employment forecast will be supported by the extension of Highway 407.



The Proposed Amendment 1 proposes three growth scenarios for Schedule 3 consideration. The Reference Growth Forecast represents the most likely future growth outlook. High and low growth scenarios are also presented to illustrate the range of growth prospects under a set of deliberately aggressive (high scenario) and conservative (low scenario) assumptions about the future economic and immigration outlook. Unlike a number of higher-growth municipalities, the minimal range between the low to high scenarios for the City is not anticipated to result in significantly different growth management policy.

Rationale

The City's Planning Division prepared and submitted comments dated July 28, 2020 (Attachment 1) in response to the proposed amendments. This Memorandum has been prepared for PAC to supplement those comments.

Attachments

Attachment 1:



CKL Comments.pdf



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July 28, 2020

Sandra Bickford
Ontario Growth Secretariat
777 Bay Street, Suite 2304
Toronto, ON M7A 2J8

Dear Ms. Bickford:

Re: City of Kawartha Lakes Comments on Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Proposed Land Needs Assessment Methodology

On June 16, 2020, your Ministry has released for consultation the Proposed Amendment 1 to A Place to Grow (APTG): Growth Plan for the Greater Golden Horseshoe, 2019 (ERO No. 019-1680) and the Proposed Land Needs Assessment Methodology (LNA) for APTG (ERO No. 019-1679). We offer the following comments to the proposed changes as they pertain to the City of Kawartha Lakes.

Schedule 3 Population and Employment Forecasts

It is the City's understanding that the changes to APTG, Schedule 3 are resulting from feedback and discussions with Advisory and Technical Groups. The City of Kawartha Lakes Planning Staff was selected to be part of the Technical Group and participated in a series of workshops held in February 2020 regarding forecast-related conditions that may influence the Schedule 3 population or employment forecasts. We would like to thank your Ministry for the opportunity to participate and provide the City's perspective.

Furthermore, the City is supportive of proposed changes to Schedule 3. We recognize the importance of updating forecasts ahead of the City undertaking the municipal comprehensive review (MCR), as the Schedule 3 will form key inputs into our Growth Management Strategy exercise.

The City is very supportive of extending the horizon from 2041 to 2051. As a slower growth municipality, we anticipate the extended horizon will better support long-term land use and infrastructure planning.

The Proposed Amendment 1 provides three growth outlooks: Reference Growth Forecast, and High and Low Growth Scenarios. According to the Hemson Consulting Ltd. Technical Report (June 16, 2020), the Reference Forecast represents the most likely future growth outlook. The High and Low Scenarios are devised with deliberately aggressive and conservative assumptions about the future economic and immigration outlook. From the detailed forecast result for the City of Kawartha Lakes (page 71), the Hemson Report appears to have accurately captured the general trends in the City. The variation in assumptions appears to have a negligible impact on the Schedule 3 population and employment distribution in the City across the three growth outlooks; therefore, City Staff do not have concerns with the proposed growth outlooks.

The City is supportive of the Mock A approach that proposes to keep forecasts to 2031 and 2041 (and 2051) to ensure continuity of conformity efforts. The City continues to work through outstanding appeals to City land use documents that are based on our 2011 Growth Management Strategy which relied on 2031 forecasts.

Land Needs Assessment

On October 8, 2019, City Staff participated in a Land Needs Assessment Solutioning Workshop facilitated by the Ministry of Municipal Affairs and Housing. The participants of the Workshop unanimously agreed that a more user-friendly and simplified LNA methodology was needed.

The City acknowledges that the Province has made improvements to the proposed LNA methodology. The LNA document is significantly shorter than the version produced in 2018 and provides suggested data sources, which is appreciated. We also recognize that the LNA empowers municipalities to make different assumptions about growth to the horizon of the Plan.

City Staff find that the content of the proposed LNA is effectively the same as provided in October 2019. In our December 6, 2019 comments to your Ministry, we noted that pre-set formulas and inputs, or other alternatives to textual resources, would be valuable and instructive. Earlier this year, the Growth Policy, Innovation and Partnership Unit at the Ministry interviewed City Staff regarding preferred supporting material from the Province and the method of content delivery. We reiterated our interest in an educational component in the form of a webinar/video, and appreciate the Ministry's interest in collaborating with its partners to help implement the Growth Plan.

City Staff also asked that the Province establish checkpoints throughout the MCR to clarify when municipalities should seek feedback from the Province. We note that the proposed LNA provides that it is intended to be an iterative process between the

municipality, the public and the Province. Operationally, however, we seek clarification of the Provincial expectations.

Mineral Aggregate Operations and alignment with PPS, 2020

The Amendment 1 to APTG proposes to remove the prohibition on new mineral aggregate operations, and wayside pits and quarries from habitats of endangered species and threatened species within the Natural Heritage System for the Growth Plan.

As a Top Aggregate Producing Municipality (TAPMO), the City is supportive of making it easier to establish new mineral aggregate operations closer to market. City Staff are concerned about recent diminution of protection measures of species at risk in legislation and policies through Bill 108, More Homes, More Choice Act, 2019. In lieu of entirely removing the protection of endangered species and threatened species, the language should be better aligned with the policy 2.1.7 in the Provincial Policy Statement, 2020¹.

The City supports the proposed alignment of Indigenous engagement to the PPS, 2020. City Staff currently notifies Indigenous communities on planning applications in accordance with the Planning Act. Pre-circulating information, providing an extended review opportunity and inviting Indigenous communities to participate in the MCR to identify and discuss issues improves engagement and adds value to the process.

Transition to Conformity

The Amendment 1 to APTG continues to require that all MCR processes be completed by July 1, 2022. As previously communicated, delays due to the COVID-19 Pandemic and the timing of the provincial election in June 2022 add to challenges meeting the conformity date.

In the subject ERO postings, your Ministry provides that municipalities must follow the steps of the LNA methodology as part of the MCR, and that Schedule 3 forecasts are a key input of the process. The core pieces that the City requires to commence its Growth Management Strategy are subject to changes and are not yet in effect. We appreciate that the Province is working quickly to deliver amendments as soon as possible; however, the City strongly recommends that the timeframe be extended to 2025, keeping in step with the Minister's original 5-year implementation schedule. City Staff are, however, very supportive of the phased municipal comprehensive review approach.

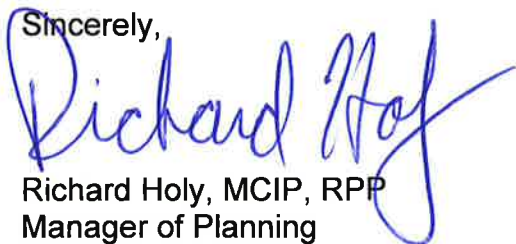
¹ Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The City recognizes that the modifications to the new transitional rules are intended to be housekeeping matters only. However, the City did not have occasion to provide input into Ontario Regulation 305/19 (ERO No. 019-0018) that amended the Transitional Matters of Ontario Regulation 311/06, and would like to do so.

The City's Community Secondary Plans for Lindsay, Bobcaygeon, Fenelon Falls, Omemee, and Woodville, as well as the General Amendment (OPA 13), remain subject to appeals before the Local Planning Appeal Tribunal. The OPA 13 was adopted by City Council in June 2017 and coincided with the release of the Growth Plan 2017; in accordance with the Transitional Matters, the OPA 13 is subject to APTG 2019 (as are the Secondary Plans for Lindsay and Bobcaygeon). The intent of the OPA 13 is to implement the Secondary Plans, some of which were adopted earlier, in 2015 (i.e. Fenelon Falls, Woodville and Omemee) and are subject to the Growth Plan 2006. The result is an inconsistent approach to allocating population distribution. To rectify this inconsistency, the City is requesting that all of the Community Secondary Plans, including the OPA 13, be subject to APTG 2019.

In closing, we trust that our comments will be considered and will provide some assistance in finalizing the Proposed Amendment 1 to APTG and the update to the LNA.

Sincerely,



Richard Holy, MCIP, RPP
Manager of Planning

Cc: Cordelia Clarke Julien, Assistant Deputy Minister, Ontario Growth Secretariat
Andy Letham, Mayor
Ron Taylor, Chief Administrative Officer
Chris Marshall, Director of Development Services
Mike Elms, Ministry of Municipal Affairs
Dan Ethier, Ministry of Municipal Affairs