

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

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2020-05**

**Wednesday, September 2, 2020**

**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**

**Jason Willock**

**Alternate: Councillor Pat Dunn**

**Alternate: Councillor Doug Elmslie**

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To request to speak to public meeting reports on this agenda please email [clerks@kawarthalakes.ca](mailto: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](mailto:agendaitems@kawarthalakes.ca) and reference the report number in the subject line.

Members of the public are invited to watch the meeting live on YouTube at [www.youtube.com/c/CityofKawarthaLakes](https://www.youtube.com/c/CityofKawarthaLakes)

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	<b>PLAN2020-033</b>	7 - 23
	<p>Ian Walker, Planning Officer - Large Developments</p> <p><b>An application to amend the Town of Lindsay Zoning By-law 2000-75 for Lots 1 through 94, 108 through 113, and 122 through 146 in draft plan of subdivision 16T-88009 on the property identified as Vacant Land on Angeline Street North, Lindsay - CIC Developments Inc.</b></p>	
3.1.1	Public Meeting	
3.1.2	Business Arising from the Public Meeting	
	<p><b>That Report PLAN2020-033, Part of Lot 24, Concession 4, 57R-7234, Parts 9 to 14, Former Town of Lindsay, CIC Developments Inc. – Application D06-2020-020, be received;</b></p> <p><b>That</b> the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2020-033, be referred to Council for approval and adoption; and</p> <p><b>That</b> the Mayor and Clerk be authorized to execute any documents required by the approval of this application.</p>	
3.2	<b>PLAN2020-034</b>	24 - 38
	<p>Sherry L. Rea, Development Planning Supervisor</p> <p><b>An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Part of Lot 32, Concessions 9 and 10 and Part of Lots 49 to 54, North Portage Road, geographic Township of Eldon, identified as 188 Talbot River Road - Kirkfield Lake Resort Ltd.</b></p>	
3.2.1	Public Meeting	

3.2.2 Business Arising from the Public Meeting

**That Report PLAN2020-034, Part of Lot 32, Concessions 9 and 10 and Part of Lots 49 to 54, North Portage Road, geographic Township of Eldon, identified as 188 Talbot River Road, Kirkfield Lake Resort Ltd. - Application No. D06-2020-021, be received;**

**That the Zoning By-law amendment, substantially in the form attached as Appendix C to Report Plan 2020-034, be approved and adopted; and**

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

3.3 **PLAN2020-035**

39 - 47

David Harding, Planner II

**An application to amend the Township of Mariposa Zoning By-law 94-07 on property described as Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, identified as 1013 Eldon Road - Vandenburg**

3.3.1 Public Meeting

3.3.2 Business Arising from the Public Meeting

**That Report PLAN2020-035, Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road, Vandenberg – D06-2020-017, be received; and**

**That the application 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.**

3.4 **PLAN2020-036**

48 - 56

David Harding, Planner II

**An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part of Lots 14 and 15, Concession 12, geographic Township of Emily, identified as 914 Centreline Road - Gingrich**

3.4.1 Public Meeting

3.4.2 Business Arising from the Public Meeting

**That Report PLAN2020-036, Part of Lots 14 and 15, Concession 12, geographic Township of Emily, City of Kawartha Lakes, identified as 914 Centreline Road, Gingrich – D06-2020-010, 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 and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

3.5 **PLAN2020-037**

57 - 64

David Harding, Planner II

**An application to amend the United Townships of Laxton, Digby and Longford Zoning By-law 32-83 on property described as Part of Lot 3, Concession 2, geographic Township of Laxton, identified as 128 Curls Road - DaCunha and Potter**

3.5.1 Public Meeting

3.5.2 Business Arising from the Public Meeting

**That Report PLAN2020-037, Part of Lot 3, Concession 2, geographic Township of Laxton, City of Kawartha Lakes, identified as 128 Curls Road, DaCunha and Potter – D06-2020-011, be received; and**

**That** the applications 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.

3.6 **PLAN2020-038**

65 - 76

Kent Stainton, Planner II

**An application to amend the Township of Manvers Zoning By-law 87-06 on property described as Part Lot 17, Concession 13, geographic Township of Manvers, identified as 438 St. Mary's Road - Shea**

3.6.1 Public Meeting

3.6.2 Business Arising from the Public Meeting

**That Report PLAN2020-038, respecting Part Lot 17, Concession 13, geographic Township of Manvers, and identified as 438 St. Mary's Road – Application D06-2020-013, be received;**

**That a Zoning By-law Amendment respecting application D06-2020-013, substantially in the form attached as Appendix D to Report PLAN2020-038, 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.**

3.7 **PLAN2020-039**

77 - 90

Jonathan Derworiz, Planner II

**Applications to amend the City of Kawartha Lakes Official Plan and the Township of Ops Zoning By-law 93-30 on land described as Part of Lot 22, Concession 2, geographic Township of Ops, identified as land on Green Forest Drive - MacLeish**

3.7.1 Public Meeting

3.7.2 Business Arising from the Public Meeting

**That Report PLAN2020-039, respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018, be received; and**

**That Report PLAN2020-039 respecting Applications D01-2020-004 and D06-2020-018 be referred back to staff to address 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.**

3.8 **PLAN2020-040**

91 - 104

Mark LaHay, Planner II

**An application to amend the Town of Lindsay Zoning By-law 2000-75 on land described as Part Lot 2, North Side of Glenelg Street, Town Plot, former Town of Lindsay identified as 37 Lindsay Street South and 6 Glenelg Street West - Glenelg Developments Corporation**

3.8.1 Public Meeting

3.8.2 Business Arising from the Public Meeting

**That** Report PLAN2020-040, **respecting Part Lot 2, North side of Glenelg Street, Town Plot, former Town of Lindsay, Application D06-2020-008**, be received;

**That** a Zoning By-law, respecting application D06-2020-008, substantially in the form attached as Appendix D to Report PLAN2020-040 be approved for adoption by Council; and

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

3.9 **PLAN2020-041**

105 - 118

Mark LaHay, Planner II

**An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Part Lot 2 Concession 8, geographic Township of Eldon, identified as 112 Kirkfield Road - Yates**

3.9.1 Public Meeting

3.9.2 Business Arising from the Public Meeting

**That** Report PLAN2020-041, **respecting Part Lot 2 Concession 8, geographic Township of Eldon, Application D06-2020-015**, be received;

**That** a Zoning By-law, respecting application D06-2020-015, substantially in the form attached as Appendix D to Report PLAN2020-041 be approved for adoption by Council; and

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

4. **Deputations**

5. **Correspondence**

6. **City of Kawartha Lakes Reports**

7. **Adjournment**

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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-033**

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**Meeting Date:**        **September 2, 2020**

### **Public Meeting**

**Title:**                    Zoning By-law Amendment for Increased Lot Coverage –  
                                 Ravines of Lindsay Estate Subdivision

**Description:**        An application to amend the Town of Lindsay Zoning By-law  
                                 to increase maximum lot coverage from 35% to 45% for Lots  
                                 1 through 94, 108 through 113, and 122 through 146 in draft  
                                 plan of subdivision 16T-88009 on the property identified as  
                                 Vacant Land on Angeline Street North, Lindsay (CIC  
                                 Developments Inc.)

**Ward Number:**       **Ward 5 – Lindsay**

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

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### **Recommendations:**

**That** Report PLAN2020-033, **Part of Lot 24, Concession 4, 57R-7234, Parts 9 to 14, Former Town of Lindsay, CIC Developments Inc. – Application D06-2020-020**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2020-033, be referred to Council for approval and adoption; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The applicant has submitted an application for a zoning by-law amendment. The proposal is to increase the maximum lot coverage from 35% to 45% for Lots 1 through 94, Lots 108 through 113, and Lots 122 through 146 in draft plan of subdivision 16T-88009, which was draft approved by Council on June 19, 2018. The net result of this proposal will only amend the maximum lot coverage provision for the proposed lots noted above. See Appendix 'A' and 'B' attached.

Owner:	CIC Developments Inc. c/o Bromont Homes Inc.
Applicant:	Bousfields Inc. c/o Michael Bissett
Legal Description:	Part of Lot 24, Concession 4 (Formerly Ops); 57R-7234, Parts 9 to 14, Former Town of Lindsay
Designation:	'Residential' on Schedule 'JC2' of the Town of Lindsay Official Plan
Zone:	'Residential One (R1) Zone', 'Residential One Special Six (R1-S6) Zone', 'Residential One Special Nineteen (R1-S19) Zone', 'Residential One Holding Four [R1(H4)] Zone', 'Residential Two (R2) Zone', 'Residential Two Special Thirty-Seven (R2-S37) Zone', 'Open Space (OS) Zone' and 'Open Space Special Two (OS-S2) Zone' on Schedule 'A' of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	12.6 hectares [30.6 acres – MPAC]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land
Adjacent Uses:	North: Jennings Creek; Agricultural (Future Residential); Low Density Residential East: Angeline Street North; Low Density Residential South: Parkette (Joan Park); Low Density Residential West: Jennings Creek; Agricultural (Future Residential)

## Rationale:

The property is located on the west side of Angeline Street North opposite Orchard Park Road and consists of three new municipal roads. See Appendix A. Access to the subdivision is on Connolly Road, which lies opposite to Orchard Park Road. The other two municipal roads will be Hennessey Crescent and Hancock Crescent. See Appendix B. The proposed subdivision will be developed on full municipal services.

The property is vacant and consists of approximately 12.6 ha. The draft plan of subdivision includes 146 lots for single detached dwellings. The applicant is applying on behalf of the owner to rezone 125 of these 146 lots to increase the maximum lot coverage from 35% to 45%, to accommodate larger homes on some of the constrained lots. Concept plans have been submitted to show how the homes would fit on these lots. See Appendix 'C'.

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 Brief prepared by Bousfields Inc., dated August 10, 2020. The brief discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS, 2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); and the Town of Lindsay Official Plan.
2. Stormwater Management Brief prepared by Valdor Engineering Inc., dated July 30, 2020. The brief discusses and assesses the proposal in the context of stormwater management services.
3. Revised Draft M-Plan prepared by IBW Surveyors, dated July 15, 2020.
4. Example Lot Plans for Lot 9, 50, 110 and 132, prepared by Hunt Design Associates Inc., dated June 11, 2020.

The reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment.

## **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 Lindsay. 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 development will be serviced by new planned municipal roads, sewage, water and stormwater services within a designated settlement area, and the City has already expended significant cost in providing servicing to the Jennings Creek Community Development Plan (JCCDP) Area, which will be cost-recovered through a Municipal Act Capital Charge as development proceeds.

On this basis, the application conforms to the policies of the Growth Plan.

### **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 proposed stormwater management pond has been designed to accommodate this proposed increase in lot coverage.

On this basis, the application is consistent with the policies of the PPS, 2020.

### **Official Plan Conformity:**

The lands are designated 'Residential' on Schedule 'JC2' of the Town of Lindsay Official Plan (Lindsay Official Plan). The predominant use of lands shall be for a variety of dwelling types. The designation permits low and medium density residential development subject to the availability of servicing and compatibility with surrounding uses.

Section 5.2.3 of the Lindsay Official Plan indicates that development and re-development in the Town of Lindsay shall be dependent upon the availability of servicing capacity in the Town. Draft approved plans may proceed to registration provided that sufficient servicing capacity exists. With the Northwest Trunk project now complete, conformity with the servicing allocation policies as set out in Section 5.2.3 has been demonstrated.

On this basis, the proposal conforms to the policies of the Official Plan.

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

The applicant has submitted a Zoning By-law Amendment application, to increase the maximum lot coverage from 35% to 45% on 125 of the 146 proposed lots in the draft plan approved subdivision on this property. The development is currently zoned 'R1', 'R1-S6', 'R1-S19', 'R1(H4)', 'R2', 'R2-S37', 'OS', and 'OS-S2' zones in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law).

The application, as proposed, will result in the following schedule changes:

- Converting all the existing 'R1' zones to the 'R1-S19' zone;

- Converting all the existing 'R2' zones to the 'R2-S37' zone;
- Converting a portion of the existing 'R1-S6' zone to the 'R1-S22' zone; and
- Converting one existing 'R1-S19' zoned lot to the 'R1-S6' zone.

It will also make changes to the development standards for each of these exception zones. The remainder of the zones, including the 'R1(H4)', 'OS' and 'OS-S2' remain unchanged.

The updated 'R1-S6' zone will include a provision exempting any of the lots from being subject to Section 5.12 (j)(v), which states 'no driveway shall be located closer than 15 m to the limits of the right-of-way at a street intersection'. The new 'R1-S22' zone will include the same provisions as the 'R1-S6' zone, and in addition, it will also include a provision to increase the maximum lot coverage to 45%. The updated 'R1-S19' and 'R2-S37' zones will include a new provision to increase the maximum lot coverage to 45%.

The proposed changes (shown in **bold**) to the provisions are as follows:

<b>Zone Standard:</b>	<b>'R1-S6' Zone:</b>	<b>'R1-S19' Zone</b>	<b>New 'R1-S22' Zone</b>	<b>'R2-S37' Zone</b>
Maximum Lot Coverage	35% No change	<b>45%</b>	<b>45%</b>	<b>45%</b>
Exemption from Section 5.12 (j)(v)	<b>Added</b>	Existing No change	<b>Added</b>	Existing No change
Minimum Setback to top of slope of Jennings Creek valleylands	8.0 metres No change	N/A No change	<b>8.0 metres</b>	N/A No change

The applicant has submitted the appropriate information to demonstrate compliance with the Zoning By-law. Other than the special provisions noted in the table above, all other provisions of the 'R1' and 'R2' zones would apply respectively to the 'R1-S6', 'R1-S19', 'R1-S22' and 'R2-S37' zones.

### **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

This application aligns with the Exceptional Quality of Life priority by increasing the availability of housing stock.

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

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

## **Servicing Comments:**

The property is currently not serviced. Full urban municipal services, including water, sanitary sewer and storm sewer are proposed.

## **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 property; and a sign was posted on the property. As of August 21, 2020, we have received the following comments:

### **Public Comments:**

To date, one neighbour and two purchasers have contacted the Planning Division to inquire about the purpose of the rezoning. No comments objecting to the proposal have been received.

### **Agency Review Comments:**

August 14, 2020	The Building Division has no concerns.
August 17, 2020	The Engineering and Corporate Assets Department advised they have no objection or comments on this application.

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

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2019

Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the Town of Lindsay Official Plan has also been demonstrated.

The rezoning will amend the development standards for 125 of the 146 currently permitted single detached dwellings to be constructed on their respective lots. Site-specific exception zones and the respective provisions have been provided to accommodate the appropriate development standards for the respective lots.

## Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred to Council for **Approval**.

## Attachments:

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

### Appendix 'A' – Location Map



PLAN2020-033  
Appendix A.pdf

### Appendix 'B' – Draft M-Plan, dated July 15, 2020



PLAN2020-033  
Appendix B.pdf

### Appendix 'C' – Example Lot Plans – Lot 9, 50, 110 and 132, dated June 11, 2020



PLAN2020-033  
Appendix C.pdf

### Appendix 'D' – Proposed Zoning By-law Amendment



PLAN2020-033  
Appendix D.pdf

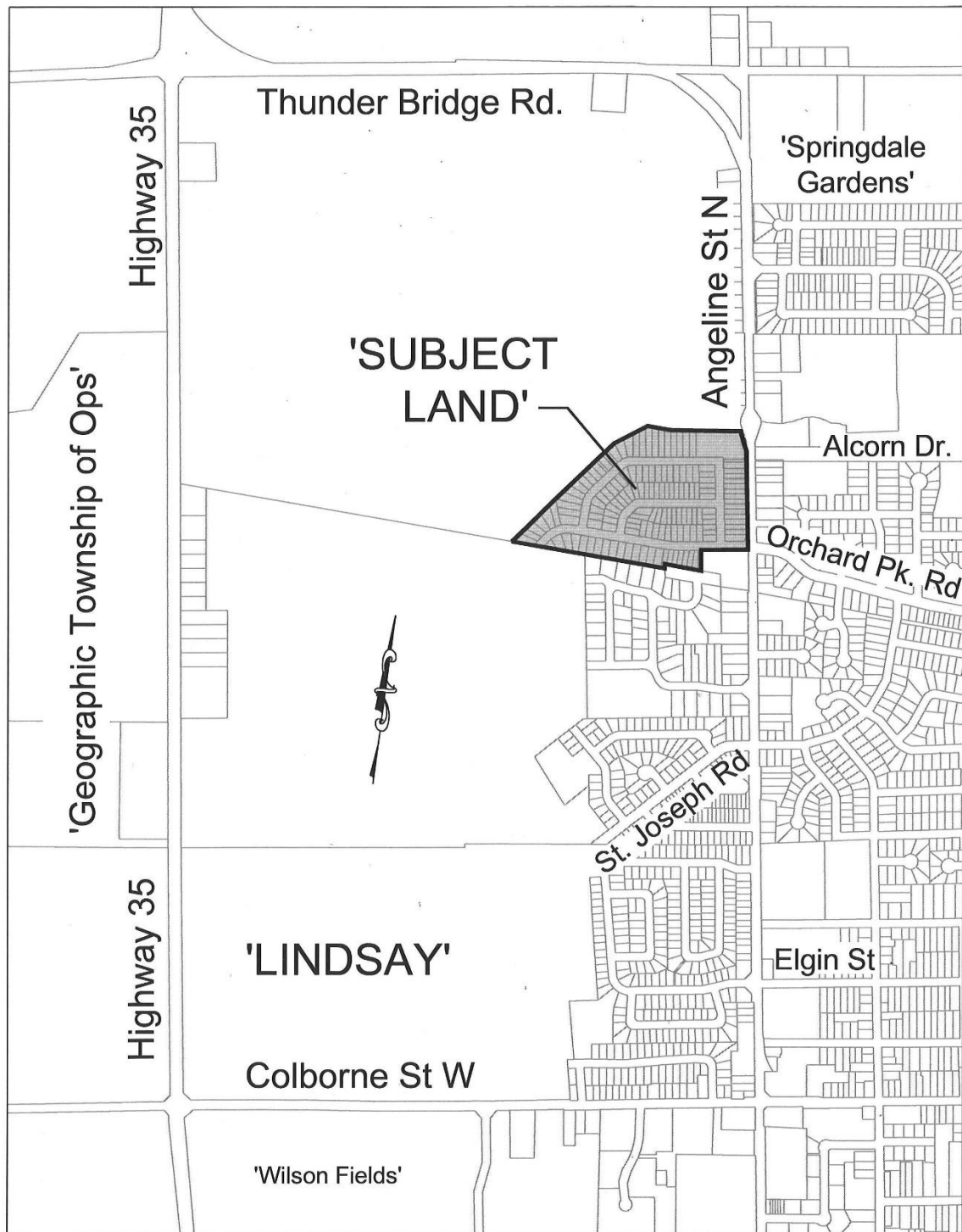
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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D06-2020-020

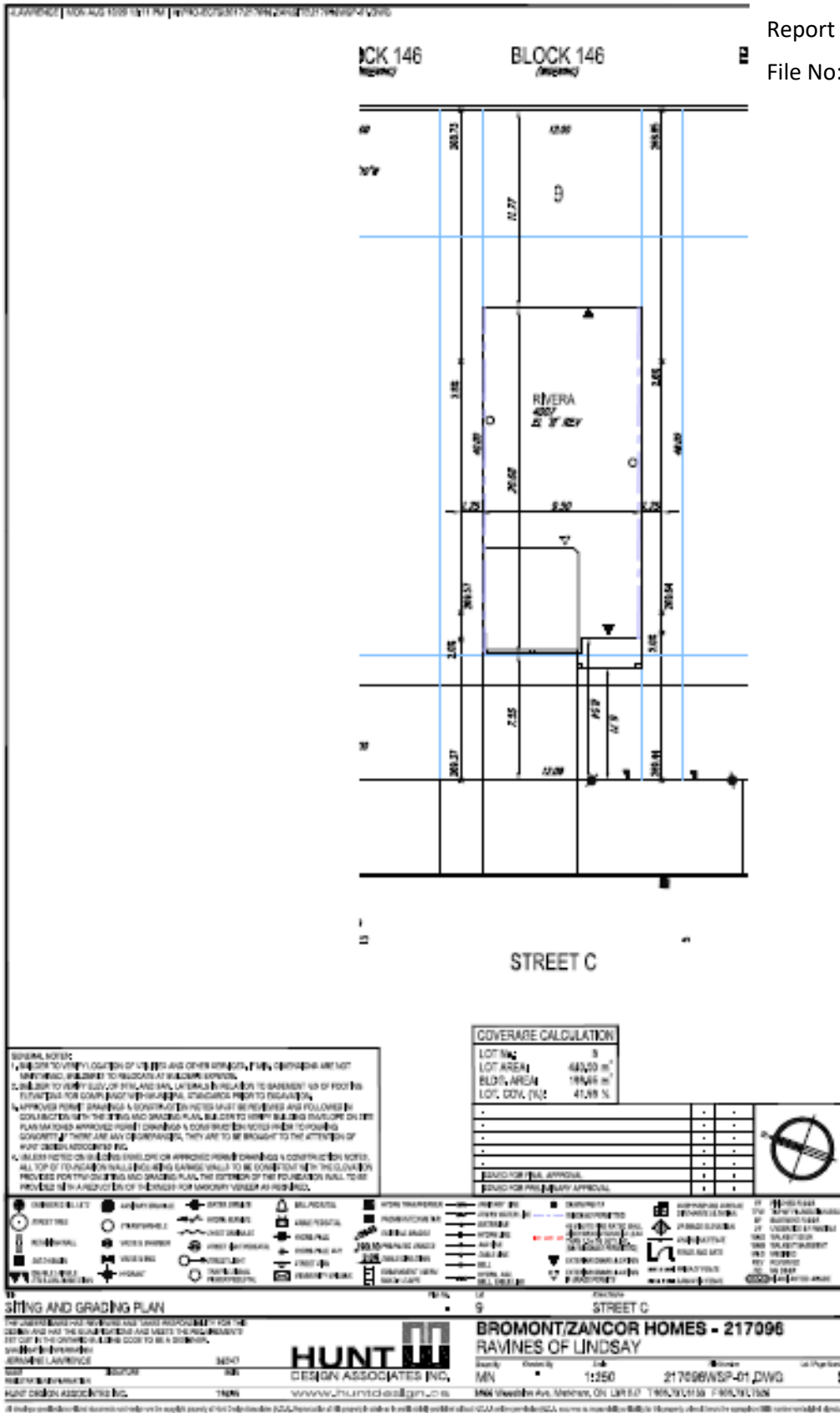
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Report PLAN2020-033

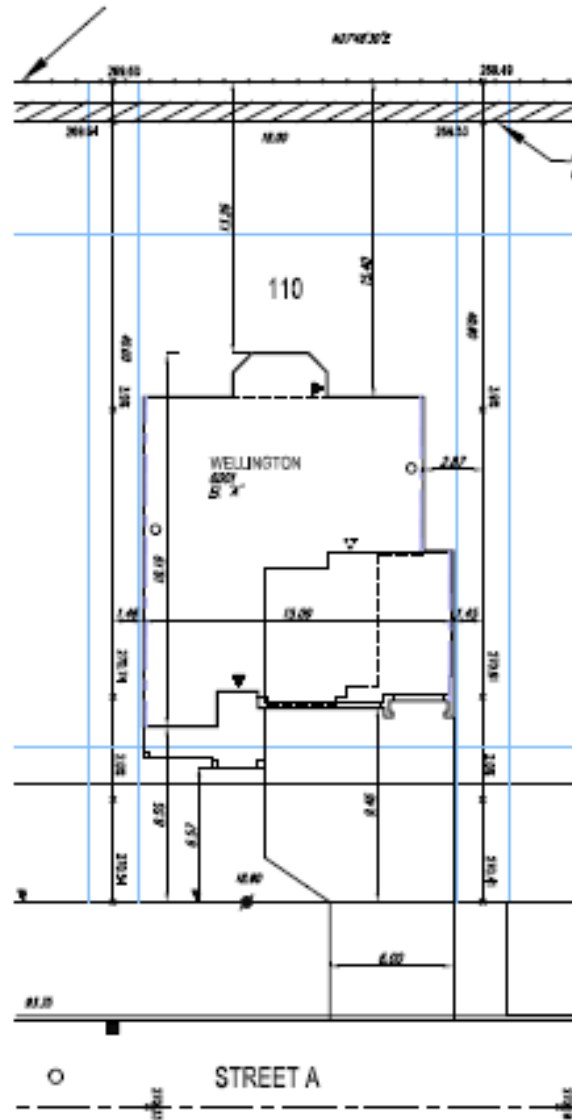
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**GENERAL NOTES:**

1. THE OWNER IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND OTHER FEATURES. THE ENGINEER IS NOT RESPONSIBLE FOR VERIFYING THE LOCATION OF UTILITIES AND OTHER FEATURES.
2. THE OWNER IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND OTHER FEATURES. THE ENGINEER IS NOT RESPONSIBLE FOR VERIFYING THE LOCATION OF UTILITIES AND OTHER FEATURES.
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**COVERARE CALCULATION**

LOT NO.	110
LOT AREA	474,200 sq. ft.
BUILDING AREA	24,128 sq. ft.
LOT COV. (%)	5.09%

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**SITING AND GRADING PLAN**

THE ENGINEER HAS PREPARED THIS PLAN AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING OR THE GRADING AND EROSION CONTROL MEASURES. THE OWNER IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND OTHER FEATURES.

**HUNT DESIGN ASSOCIATES INC.**

217096-01-01.DWG 110

217096-01-01.DWG 110



**The Corporation of the City of Kawartha Lakes**  
**By-Law 2020 -**

**A By-law to Amend the Town of Lindsay Zoning By-law No. 2000-75 to  
Rezone Land within the City Of Kawartha Lakes**

[File D06-2020-020, Report PLAN2020-033, respecting Part of Lot 24, Concession 4 (Formerly Ops); 57R-7234, Parts 9 to 14, Former Town of Lindsay, identified as Vacant Land on Angeline Street North – CIC Developments 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 increase the maximum lot coverage to 45% for 125 of 146 lots in draft plan of subdivision 16T-88009 on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

**Section 1:00 Zoning Details**

1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 24, Concession 4 (Formerly Ops); 57R-7234, Parts 9 to 14, Former Town of Lindsay, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 6.3:

“6.3.27 R1-S22 Zone

Notwithstanding the zone requirements for the R1 zone and Section 5.12, on land zoned R1-S22, the following shall apply:

- i. All buildings and structures shall be setback a minimum of 8 metres from the top of the slope of the Jennings’ Creek valleylands;
- ii. The maximum lot coverage for all buildings shall be 45%; and
- iii. Section 5.12 (j)(v) shall not apply.”

1.03 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 6.3.10 in its entirety and replacing it with the following:

#### “6.3.10 R1-S6 Zone

Notwithstanding the zone requirements for the R1 zone and Section 5.12, on land zoned R1-S6, the following shall apply:

- i. All buildings and structures shall be setback a minimum of 8 metres from the top of the slope of the Jennings’s Creek valleylands; and
- ii. Section 5.12 (j)(v) shall not apply.”

- 1.04 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 6.3.24 in its entirety and replacing it with the following:

#### “6.3.24 R1-S19 Zone

Notwithstanding the zone requirements for the R1 zone and Section 5.12, on land zoned R1-S19, the following shall apply:

- i. The maximum lot coverage for all buildings shall be 45%; and
- ii. Section 5.12 (j)(v) shall not apply.”

- 1.05 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 7.3.42 in its entirety and replacing it with the following:

#### “7.3.42 R2-S37 Zone

Notwithstanding the zone requirements for the R2 zone and Section 5.12, on land zoned R2-S37, the following shall apply:

- i. The maximum lot coverage for all buildings shall be 45%; and
- ii. Section 5.12 (j)(v) shall not apply.”

- 1.06 **Schedule Amendment:** Schedule ‘A’ to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the ‘Residential One (R1) Zone’ to the ‘Residential One Special Nineteen (R1-S19) Zone’; from the ‘Residential One Special Nineteen (R1-S19) Zone’ to the ‘Residential One Special Six (R1-S6) Zone’; from the ‘Residential One Special Six (R1-S6) Zone’ to the ‘Residential One Special Twenty-Two (R1-S22) Zone’; and from the ‘Residential Two (R2) Zone’ to the ‘Residential Two Special Thirty-Seven (R1-S37) Zone’ for the land referred to as ‘R1-S19’; ‘R1-S6’; ‘R1-S22’; and ‘R2-S37’, 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.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# KAWARTHA LAKES

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

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



# The Corporation of the City of Kawartha Lakes

## Planning Report

Report Number PLAN2020-034

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**Meeting Date:** September 2, 2020

**Title:** Proposed Rezoning to permit a temporary use for a small commercial off-grid cabin rental facility at 188 Talbot River Road, Eldon

**Description:** An application to amend the Township of Eldon Zoning By-law to permit the temporary use of a small commercial off-grid cabin rental facility on a portion of the land described as Part of Lot 32, Concessions 9 and 10 and Part of Lots 49 to 54, North Portage Road, geographic Township of Eldon, now City of Kawartha Lakes and identified as 188 Talbot River Road (Kirkfield Lake Resort Ltd.)

**Ward Number:** 2

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

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### Recommendations:

**That** Report PLAN2020-034, **Part of Lot 32, Concessions 9 and 10 and Part of Lots 49 to 54, North Portage Road, geographic Township of Eldon, identified as 188 Talbot River Road, Kirkfield Lake Resort Ltd. - Application No. D06-2020-021**, be received;

**That** the Zoning By-law amendment, substantially in the form attached as Appendix C to Report Plan 2020-034, be approved and adopted; and

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

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

The application proposes the temporary use of a portion of the property for a commercial off-grid rental cabin facility of a maximum of 5 small cabins, each being 15 sq.m. (160 sq.ft.), 6 tent sites, 1 common washroom facility being 17.8 sq.m. (192 sq.ft.), an internal private roadway which utilizes an existing internal road on the property, private docks for the cabins and a communal dock and pavilion for common waterfront access for water-based recreational activities. The temporary use would be for a period of two (2) years allowing the applicant to complete additional studies to permit additional rental cabins on the lands. The applicant operates similar rental cabins in remote areas of Ontario; however, this proposal represents the first phase of further expansion of the business to include a large undeveloped site with additional cabins based on the sustainability of the land. See Appendix A and B attached.

Owner:	Kirkfield Lake Resort Ltd. c/o John Craig and Al Kearsey
Applicant:	Kevin Duguay Community Planning c/o John Lochenerner of Cabinscape
Legal Description:	Part of Lots 32, Concessions 9 and 10 and Part of Lots 49 to 54, North Portage Road, geographic Township of Eldon
Designation:	Rural and Environmental Protection (Schedule 'A-6') with Areas of Natural and Scientific Interest, Significant Woodlands, Provincially Significant Wetlands, and Unevaluated Wetlands (Schedule 'B-6') in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) and Environmental Protection (EP) in the Township of Eldon Zoning By-law No. 94-14
Lot Area:	94.9 ha. with a 20.8 ha. self-contained, spring-fed lake known as Kirkfield Lake
Site Servicing:	Water from Kirkfield Lake with Class 2 Sewage Systems for grey water and composting toilets
Existing Uses:	Vacant Land
Adjacent Uses:	North, South and East: Large rural lots including pasture land, scrub and rural residential uses. West: The Trent Lands and the Trent Canal leading south from the Kirkfield Liftlocks

## Rationale:

The subject land is located in the geographic Township of Eldon, accessed from Talbot River Road and is approximately 94.9 ha. which, includes a 20.8 ha.

spring fed lake on the west side of the property known as Kirkfield Lake. The spring fed lake is a former unlicensed limestone quarry, which operated in the 1950's and ultimately flooded which encouraged rehabilitation of the surrounding wetlands. The owner of the property has entered into a lease arrangement with a company known as Cabinscape c/o John Loerchner. Cabinscape is a Canadian-owned company offering custom designed, low impact and ecologically sound small cabins for intimate wilderness escapes. The company seeks remote sites in Ontario for small scale, off grid cabin rentals. The subject property represents an ideal site being of significant size, remote in nature with a self-contained lake, which has naturalized over time from the 1950s flooding of the quarry. The cabins and common washroom are temporary in nature and will utilize water from Kirkfield Lake with Class 2 sewage disposal systems for greywater and composting toilets. The applicant understands the necessary permits that will be required prior to the operation of the site.

It is anticipated that the rental cabins will operate year round but are limited in the proposed zoning by-law to 5 small scale cabins being approximately 15 sq.m. and 1 common washroom being approximately 17.8 sq.m. The tent area will operate on a more seasonal basis.

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

1. Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc. and dated March 11, 2020 together with a Supplementary Planning Opinion to address the 2020 PPS which came into effect May 1, 2020. These planning documents justify the temporary development proposal under Section 39 of the Planning Act and the current provincial and municipal planning framework.
2. Functional Servicing Review (FSR) for Temporary Rezoning prepared by Engage Engineering and dated February 27, 2020. The brief summarizes the impact that the development will have on the stormwater and describes the proposed means for water supply and wastewater management on the site to support the proposed development. The brief concludes that given the low impact and sustainable nature of the proposed development, the proposed increase in building area and roadway area will result in no appreciable increase in peak flows and no additional stormwater quantity or quality controls, are proposed for the site at this time. The cabins and comfort station will have individual greywater Class 2 septic systems as well as composting toilets. Water will be supplied to each cabin and the comfort station with direct lines from Kirkfield Lake and will be treated within each building separately to provide potable water.
3. Reasonable Use Policy (Nitrate) Assessment prepared by Azimuth Environmental Consulting, Inc. and dated March 2020. The Assessment evaluates the risks of the proposed development in consideration of the

Ministry of the Environment, Conservation and Parks (MECP) Procedures and Technical Guidelines for Individual Onsite Sewage Systems. The purpose of a nitrate assessment is to evaluate the risk of adverse effects from sewage. Sewage works for Cabinscape consists of composting toilets for domestic waste and grey water systems for water from plumbing fixtures. The assessment concludes that the environmental conditions on the site will allow the proposed development on the site and be in compliance with the MECP's regulations and without impact to the ground water regime and adjacent water supplies. This is due in large part to the physical characteristics of the site and due to the use of composting toilets for human waste and grey water systems for plumbing.

4. Natural Heritage Evaluation (NHE) prepared by Azimuth Environmental Consulting, Inc and dated March 2020. The evaluation reviews the potential environmental impacts of the proposed development on the natural environmental features and functions of the property and on the adjacent lands in accordance with applicable planning policy. The report represents a Phase 1 NHE, which utilizes data from previous work completed during the 2007 and 2008 field seasons that formed the basis of the original 2009 EIS report. Staff agreed with this approach for the temporary use zoning application and understand that additional work is to be undertaken should the proposed development increase beyond the 5 small scale cabins. Lake Simcoe Region Conservation Authority (LSRCA) was circulated the current NHE for review.
5. Traffic Brief prepared by Asurza Engineers and dated February 7, 2020. The traffic comment provides an overview of traffic generation and determines if the proposed development will generate impacts to the current traffic operation on the adjacent road and intersection. The review concludes that due to the limited scale of the proposed development, the additional trips will impose virtually no impact on adjacent roads. Any minor traffic impact as a result of the new trips will be negligible to the current traffic operations.
6. Stage 1 Archaeological Background Study prepared by AMICK Consultants Limited and dated November 29, 2019. The study area has been identified as a property that exhibits potential to yield archaeological deposits of Cultural Heritage Value or Interest (CHVI). The summary of the study concludes that the background research indicates that the study area has the potential for archaeological resources of Native origins based on proximity to previously registered archaeological sites of Pre-Contact origins and proximity to a source of potable water. Background research also suggests potential for archaeological resources of Post-Contact origins based on proximity to a historic roadway and proximity to a historic railway track. The report also concludes that a Stage 2 Property Assessment is warranted.

## **Requirements for Temporary Use By-law:**

Section 39 of the Planning Act permits Council, by a By-law passed under Section 34, of the Planning Act to authorize the temporary use of land, buildings or structures for any proposed use that is otherwise prohibited by the Zoning By-law. The Planning Act further states that the use may be authorized for a period of up to three (3) years. The applicant is requesting that Council pass a Temporary Use By-law to permit the commercial off-grid rental cabin facility of a maximum of 5 small cabins, 6 tent sites and 1 common washroom facility for a period of two (2) years. Staff is recommending three (3) years in order that all studies and applications can be completed within the time frame of the temporary use by-law. The applicant is in the process of undertaking additional studies to increase the number of rental cabins on the site in accordance with the carrying capacity of the land. It is anticipated that the number of cabins will remain low in number in keeping with the environmental and sustainability concepts of the company and the marketing of intimate wilderness escapes.

Staff has reviewed the Planning Justification Report and Supplementary Planning Opinion prepared by Kevin Duguay Community Planning and Consulting Inc. in support of the request for a Temporary Use By-law. These reports provide a review of the proposed temporary use in the context of Section 39 of the Planning Act and the current provincial and municipal planning framework. Staff is accepting of the planning rationale contained in the planning submission.

## **Provincial Policies:**

### **2020 Provincial Policy Statement (2020 PPS)**

The 2020 PPS 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. The initial Planning Justification Report was completed, prior to the 2020 PPS coming into effect. The Planning Consultant has provided a Supplementary Planning Opinion to consider changes as they relate to the temporary use zoning by-law application and confirms that there are no applicable changes in the 2020 PPS that affect the application. Staff is satisfied that the temporary use zoning by-law application is consistent with the 2020 PPS.

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

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

While Section 39 of Planning Act does not specifically require a Temporary Use By-law to conform to the Growth Plan, Staff confirms that the proposed temporary use does conform to the Growth Plan, as it is a resource-based

recreational use that depends on a rural setting and offers a private lake for water based recreational activities. The proposed use is considered a passive recreational use where no permanent residential development is proposed. Servicing will rely on private water and waste-water facilities. Water is proposed from Kirkfield Lake with Class 2 sewage systems for greywater. Sewage facilities for both the 5 cabins and the common washroom include composting toilets. Structures are limited in size to 14.9 sq.m. (160 sq.ft.) for the cabins and 17.8 sq.m. (192 sq.ft.) for the common washroom building.

Staff is supportive that the temporary use rezoning application conforms to the 2019 Growth Plan and understands that additional work is being completed for additional phased development of the property. A more comprehensive review of the 2019 Growth Plan will be undertaken at that time.

### **Lake Simcoe Protection Plan:**

The property is situated in the Lake Simcoe watershed and is subject to policies of the Lake Simcoe Protection Plan (LSPP, 2009). As per Section 6.21-DP: Key Natural Heritage Features are wetlands, significant woodlands, significant valleylands, and natural areas abutting Lake Simcoe. Section 6.22-DP indicates that key hydrologic features are wetlands, permanent and intermittent streams, and lakes, other than Lake Simcoe. Generally, development and site alteration is not permitted within the key natural heritage feature or key hydrologic feature and within a related Vegetation Protection Zone (VPZ). One of the exceptions to the policy that may be permitted, is low-intensity recreations uses that require very little terrain or vegetation modification and few, if any buildings or structures. The temporary use proposal requires little site modification and buildings are limited in size and can be removed, if required. A preliminary review under a Natural Heritage Evaluation (NHE) was prepared by Azimuth Environmental Consulting, Inc. The conclusions indicate that given the limited scale of the proposed development, the existing buffers are sufficient to protect the overall form and function of the natural areas. In addition, there is no expectation that the proposed development will result in any contraventions of the Endangered Species Act for Species at Risk (SAR) or SAR habitat.

For the purposes of stormwater considerations, the FSR prepared by Engage Engineering, confirms that the proposed building area of 92.2 sq.m. is not classified as major development and the LSPP does not apply. The FSR also acknowledges that the Lake Simcoe Phosphorus Offsetting Policy (LSPOP) is to be applied and once again, with the total impervious building area being 92.2 sq.m., the LSPOP does not apply.

The application conforms to the LSPP and the LSPOP.

### **Official Plan Conformity:**

The land is designated Rural and Environmental Protection in the City of Kawartha Lakes Official Plan (OP). The Environmental Protection designation applies to the Provincially Significant Wetland (PSW) and follows a watercourse

on the property. The proposed development is within the Rural designation. Due to the size and scale of the proposed development under the Temporary Use Zoning Application an OP Amendment is not required at this time. Further phasing of development may require an amendment to the OP.

Section 39 of the Planning Act provides that a Temporary Use By-law must comply with the local Official Plan; however, the City of Kawartha Lakes Official Plan (OP) is silent on Temporary Use By-laws. Therefore, it should be demonstrated that the use conforms to the policies in the OP.

Permitted uses in the Rural designation include active and passive recreational uses and facilities, golf courses, ski resorts, ecotourism and agri-tourism. The proposed development represents an active and/or passive recreational use with a scale of development that is limited and the self-contained lake offers passive recreational opportunities. The proposed development will be for the most part, outside of the Environmental Protected lands although some trail use may be permitted in accordance with Section 17.3 of the OP.

Section 34.7 established the entire City of Kawartha Lakes as a Site Plan Control Area applying to all uses except for agricultural, aggregate extraction, forestry, open space and single detached residential uses. Staff is not recommending site plan control at this time; however, will request site plan approval under the formal application for permanent rezoning to permit further development on the site.

As previously noted under LSPP conformity, a NHE has been prepared and concluded that given the limited scale of the proposed development, the existing buffers are sufficient to protect the overall form and function of the natural areas. In addition, there is no expectation that the proposed development will result in any contraventions of the Endangered Species Act for Species at Risk (SAR) or SAR habitat.

As a result of the above, the zoning by-law application conforms with the Official Plan.

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

The land is zoned Agricultural (A1) and Environmental Protection (EP) in the Township of Eldon Zoning By-law No. 94-14. The application proposes to rezone a portion of the property to the Agricultural Exception Thirty-one (A1-31) Zone to permit the temporary use on the property of a commercial off-grid rental cabin facility of a maximum of 5 small cabins, 6 tent sites and 1 common washroom facility. At this time, there is no request for a schedule amendment to amend the EP Zone.

Should Council determine that within the two (2) year timeframe of the Temporary Use By-law the use becomes unacceptable or is no longer required, Council may give Notice of Intention to Repeal the By-law and repeal the Temporary Use By-law. The owner would have the right to appeal that decision.

All other development standards of the A1 and EP Zones in the Township of Eldon are maintained and the application complies with the By-law.

### **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 their refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which, may be recovered from the applicant.

### **Relationship of Recommendations to the 2020 – 2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

The zoning by-law application aligns with a Vibrant and Growing Economy priority along with an Exceptional Quality of Life and a Healthy Environment priorities. The proposal seeks to provide a new tourism venue for the City, which offers temporary all season accommodation and the ability to participate in passive recreational activities in a rural and waterfront setting. There is no proposal to utilize the environmentally protected areas of the property, including the Provincially Significant Wetland.

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

There are no immediate accessibility implications for the City. Accessible standards will be implemented through an application for site plan approval and permits issued under the Ontario Building Code (OBC).

### **Servicing Comments:**

As noted above, a Functional Servicing Review for Temporary Rezoning and a Reasonable Use Policy (Nitrate) assessment has been completed. These submissions have been circulated to the Part 8 Sewage Systems Division and no comment was available at the time of drafting of the report.

## **Consultations:**

### **Public Comments:**

The application was circulated in accordance with the Planning Act and with Council's direction for rural applications. No comments have been received at the time of drafting of the report.

### **Agency Comments:**

August 21, 2020 – Economic Development – Tourism is supportive of this application as it aligns with the Economic Development Strategy objectives to increase the volume of year-round accommodations of all kinds, in all markets; to develop operator experiences to boost tourism traffic; and to expand visitation into the shoulder-season and winter and connect these off peak activities to culture.

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

The background information, which has been submitted in support of the application for the temporary use has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Official Plan, has also been demonstrated, and the application will permit a temporary use of a commercial off-grid rental cabin facility together with applicable amenities.

The applicant has requested the temporary use would be for a period of two (2) years allowing the applicant to complete the necessary studies to permit additional rental cabins and amenities on the site. Given that the application for permanent zoning will be more complex requiring more time to prepare and process, staff are recommending that Council approve the Temporary Use By-law for a full three (3) time frame to ensure that the use does not need to cease.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Temporary Use Zoning By-law Amendment application be approved.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor, 705.324.9411 x 1331.

## Appendix 'A' – Location Map



Appendix A -  
Location Map.pdf

## Appendix 'B' – Concept Plan



Appendix B -  
Concept Plan.pdf

## Appendix 'C' – Draft Zoning By-law



Appendix C -  
PLAN2020-034.pdf



Schedule A -  
D06-2020-021(Kirkfie

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

**Department Head:** Chris Marshall

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

Geographic Township of  
Carden

to

REPORT

P442030-1034

FILE NO.

De-2000/-021

Talbot River

Subject  
Land

Lot 1

Concession 9

Concession 8

Shrike Rd.

Talbot River Rd.

Conc. 10

Lot 32  
Concession 9

Lot 32  
Conc. 8

Trent Canal

Lot 55

Lot 54

Lot 53

Lot 52  
North Portage Road

Lot 51

Lot 50

Lot 49

Lot 48  
North Portage Road

Mitchell Lake

Geographic Township of Eldon



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

**By-Law 2020 -**

**A By-Law to Amend the Township of Eldon Zoning By-Law No. 94-14  
To Rezone Land Within the City Of Kawartha Lakes**

[File D06-2020-021, Report PLAN2020-034, respecting Part of Lot 32, Concessions 9 and 10 and Part Lots 49 to 54, North Portage Road, geographic Township of Eldon, identified as 188 Talbot River Road – Kirkfield Lake 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. Section 39 of the Planning Act authorizes Council to permit temporary uses on lands in a By-law that is passed under Section 34.
2. Council has received an application to permit a temporary use of a commercial off-grid rental cabin facility consisting of a maximum of 5 small scale cabins, 6 tent sites and 1 common building for washroom facilities.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 32, Concessions 9 and 10 and Part Lots 49 to 54, North Portage Road, geographic Township of Eldon, City of Kawartha Lakes, identified as 188 Talbot River Road.
- 1.02 **Textual Amendment:** By-law No. 94-14 of the Township of Eldon is further amended to add the following section to Section 7.3:
  - 7.3.31 **AGRICULTURAL EXCEPTION THIRTY-ONE (A1-31) ZONE**
    - 7.3.31.1 Notwithstanding the zone requirements for the A1 Zone, on land zoned A1-31 the following is permitted through a Temporary Use By-law under Section 39 of the Planning Act, R.S.O., 1990, c.P 13, as amended:
      - a) a commercial off-grid rental cabin facility consisting of a maximum of 5 small scale cabins each to a maximum of 18 sq.m., 6 tent sites for sleeping accommodation and that are located in one concentrated area and having a maximum tent

size of 10 sq.m., 1 common building for washroom facilities to a maximum of 20 sq.m., an internal private road which utilizes the existing internal road on the property, private docks for the cabins and a communal dock and pavilion for common waterfront access for water-based recreational activities. No other site alterations related to the temporary use are permitted on the property.

This By-law is passed in accordance with Section 39(2) of the Planning Act, R.S.O., 1990, c.P.13 and shall be in effect for a temporary period of time, until September 15, 2023.

- 1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 94-14 of the Township of Verulam is further amended to change the zone category from the 'Agricultural (A1) Zone' to the 'Agricultural Exception Thirty-one (A1-31) Zone' for the land referred to as 'A1-31' as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 39 of the Planning Act R.S.O. 1990, c.P.13.

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

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

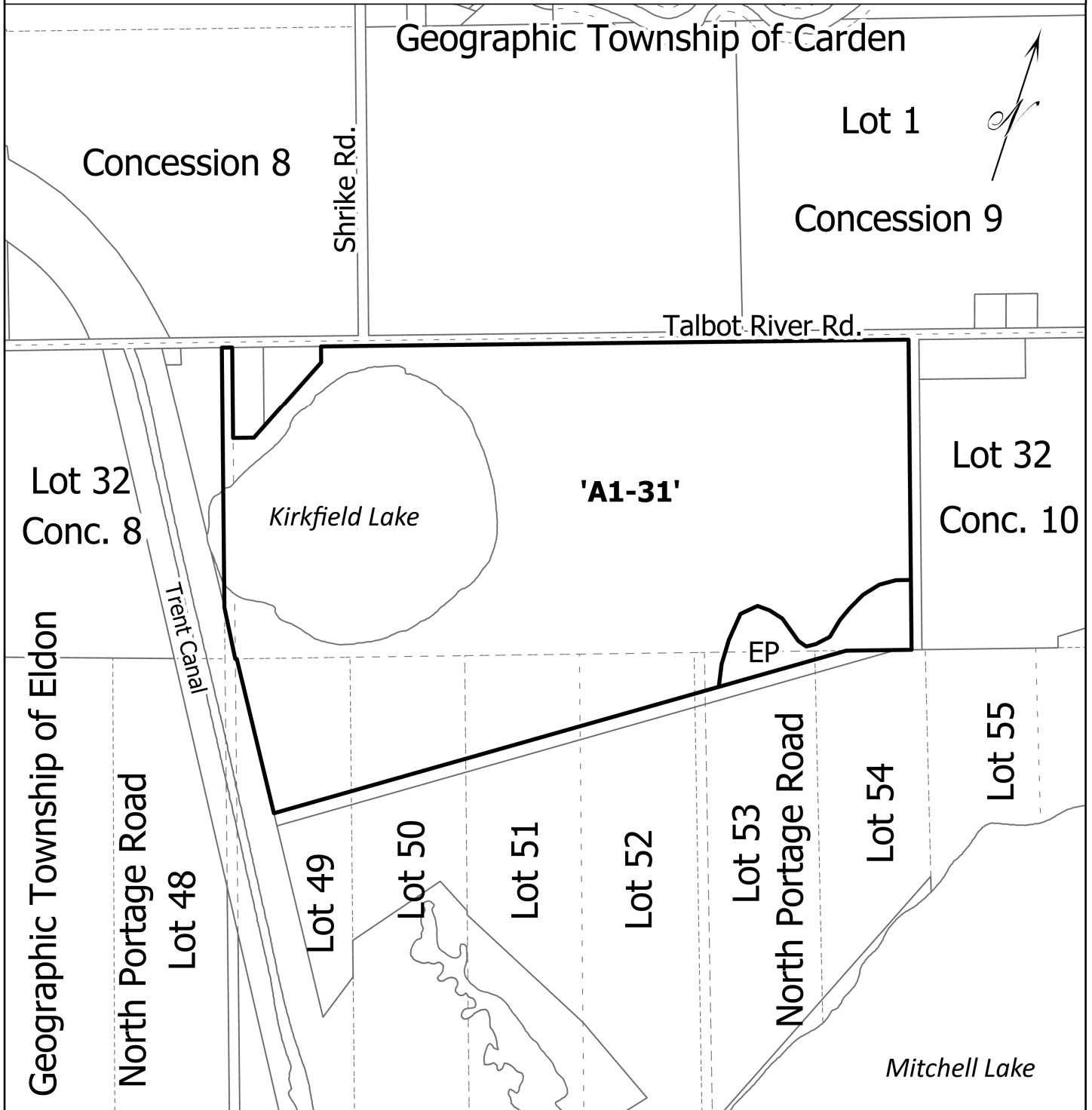
THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

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



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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-035**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

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

**Description:** An amendment to facilitate the severance of three residential lots from the balance of the agricultural land. The property is described as Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road

**Ward Number:** 4

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

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### **Recommendation:**

**That** Report PLAN2020-035, Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road, “Vandenberg – D06-2020-017”, be received; and

**That** the application 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:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The subject property is an agricultural lot that contains a single detached dwelling, and agricultural buildings.

The owner is applying to rezone a strip of land abutting Eldon Road to residential use in order to facilitate the creation of three rural residential lots. One of the lots will contain the existing farmhouse. Each residential lot is proposed to be approximately 4,300 square metres.

In order to reduce conflicts between the new residential lots and the established agricultural use on the property, the use of the existing agricultural buildings is also proposed to be changed to prevent the keeping of livestock. Manure storage is also proposed to be prevented around said buildings.

The owners have submitted the following documentation in support of their proposal which was circulated for comment and review:

1. Functional Servicing and Stormwater Management Brief dated February 2020 prepared by M.V. Wilson Engineering Inc.
2. Hydrogeologic Investigation Report dated February 7, 2020 prepared by GHD.
3. Topographic Plan prepared by Coe Fisher Cameron Land Surveyors dated September 28, 2019.
4. Erosion & Sediment Control Plan dated February 19, 2020 prepared by M.V. Wilson Engineering Inc.
5. Site/Grading Plan dated February 19, 2020 prepared by M.V. Wilson Engineering Inc.

Owners: Bruce and Sharon Vandenberg

Legal Description: Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa

Official Plan: Rural and Environmental Protection within the City of Kawartha Lakes Official Plan 2012

Zone: Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended

Site Size: Severed 1 – 4,309.4 square metres  
Severed 2 – 4,322 square metres  
Severed 3 – 4,315.3 square metres  
Retained – 70.7 hectares (approx.)

Site Servicing	Severed 1 – Municipal water, and private individual septic system
	Severed 2 – Private individual well, municipal water, and private individual septic system
	Severed 3 – Municipal water, and private individual septic system
	Retained – Unspecified

## **Rationale:**

Residential lot creation is to be directed towards the City's urban settlement and hamlet settlement areas.

## **Provincial Policies:**

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

The Growth Plan directs growth to settlement areas. Growth in rural settlement areas that is not on full municipal services is to be limited. Focus on these areas is on more compact built form.

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 is to add additional dwellings to the hamlet, and round out development along the Eldon Road corridor.

The proposal conforms to the Growth Plan as it is directing development to a rural settlement 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 is to efficiently utilize rural infrastructure, and build upon rural character. The proposal is within the Oakwood hamlet area and has access to municipal water.

The proposal is consistent with the PPS as it is directing development to a hamlet settlement area.

## **Official Plan Conformity:**

The majority of the subject land is designated Prime Agricultural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Hamlet Settlement Area. Development is solely proposed within the Hamlet Settlement Area.

This application proposes no change to the existing land uses, save to prohibit livestock and the manure store within and around the existing agricultural

buildings in order to avoid conflict with the residential lots to be created. The agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan, recognizes the importance of small scale development within its hamlets that maintains the character of the community. Low density residential in the form of single detached dwellings is one of the built forms anticipated within this designation. Further, there are additional criteria laid out in the designation to ensure the development proposal is compatible with the hamlet. A full review of the documentation will be conducted to ensure conformity with these policies.

The application is under review for conformity with 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.

An exception is proposed to the agricultural zone to ensure odor conflicts do not arise if residential lots are created nearby.

The lands along Eldon road within the hamlet area are also proposed to be rezoned for residential use in order to facilitate the future severance of the property into three lots.

Once the review of the application is complete and all comments received, a by-law will be put forward for consideration.

### **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 and exceptional quality of life as it provides opportunity to provide employment to trades involved

in home construction and to provide additional housing opportunities within a hamlet.

### **Servicing Comments:**

The services on the agricultural land are unspecified. The single detached dwelling on one of the parcels to be severed should the zoning on the property be amended is serviced by a private sewage disposal system. There is a well on the property, but it is unknown at this time if or how it is used. Municipal water is available at the curb. It is unknown at this time if the dwelling is connected to the municipal water service. This information may be contained within the Functional Servicing Report, which remains under review. The other two lots to be proposed should the zoning on the property be amended would also be serviced by private individual sewage disposal system. It is anticipated that the lots will connect to the municipal water system. Further comments regarding servicing have yet to be received.

### **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 raised no concerns as a result of the circulation. No comments were received from the public. Comments from all other agencies and department remain outstanding.

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

The application appears to conform to the Growth Plan and to be consistent with the Provincial Policy Statement. Additional review and analysis is required to confirm conformity and consistency of those documents as well as the Official Plan, allow the submission of comment from circulated agencies and departments, and allow further review of the proposal in conjunction with the existing zone provisions to facilitate the crafting of the by-law amendment.

### **Conclusion:**

Staff respectfully recommends that the application 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.

## Attachments:

### Appendix 'A' – Location Map



Appendix A to  
Report PLAN2020-03

### Appendix 'B' – Aerial Photograph



Appendix B to  
Report PLAN2020-03

### Appendix 'C' – Grading Plan



Appendix C to  
Report PLAN2020-03

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

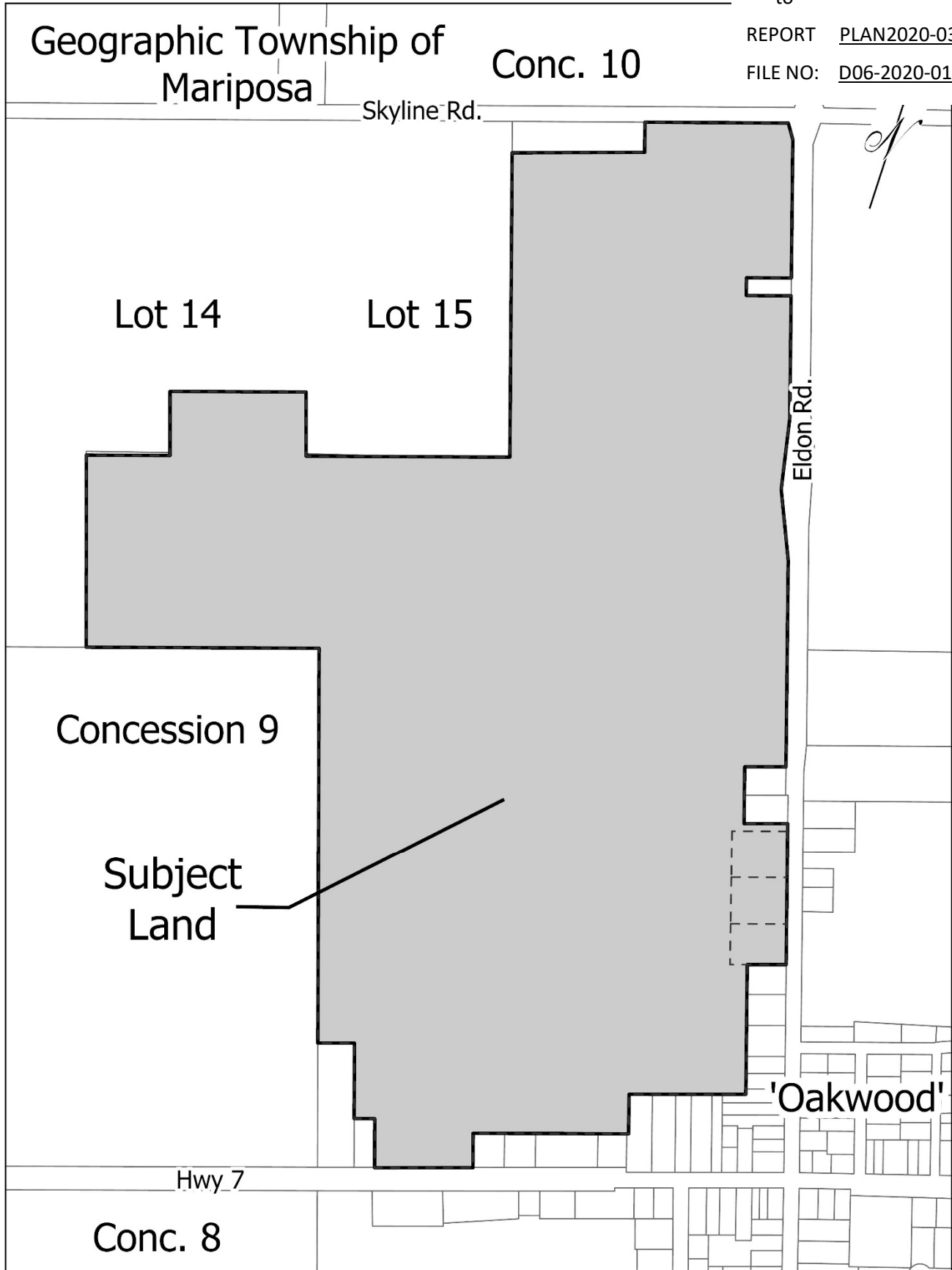
**Department Head:** Chris Marshall

**Department File:** D06-2020-017

to

REPORT PLAN2020-035

FILE NO: D06-2020-017





ENGINEER:  
**M.V. Wilson Engineering Inc.**  
 245 Kent Street West, Lindsay  
 Ontario, Canada  
 K9V 2Z3  
 Tel: (705) 324-5335  
 Fax: (705) 328-7288



NO.	DESCRIPTION	DATE	BY
1.	ISSUED FOR SUBMISSION	14/02/20 SC	
2.	ISSUED FOR REVIEW	20/12/19 SC	
3.			
4.			
5.			
6.			
7.			



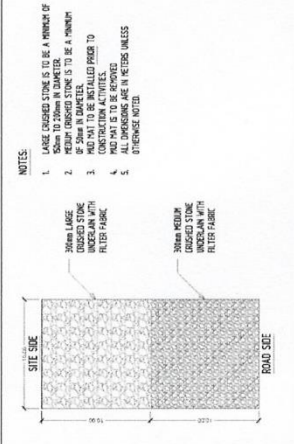
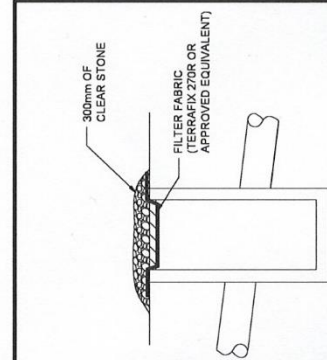
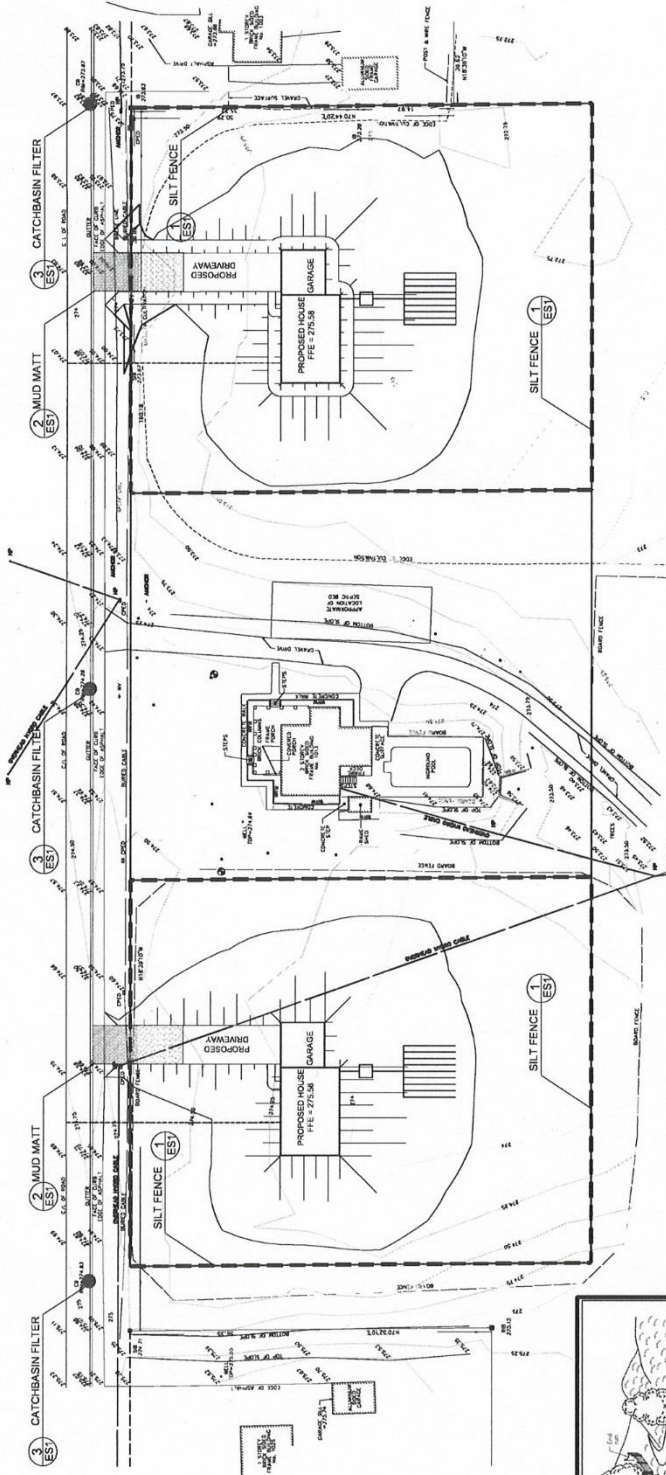
APPENDIX " C "

to

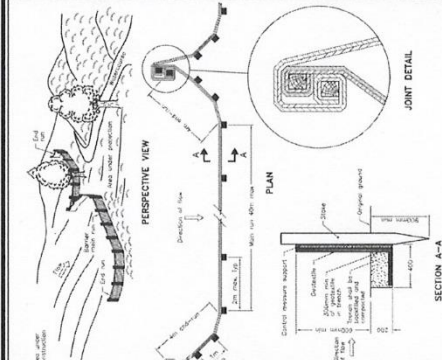
REPORT PLAN2020-035

FILE NO: D06-2020-017

PROJECT	BR	1013	DATE
DRAWN BY	EF	SCALE	PROJ
CHECKED BY	CC	SCALE	PROJ
DATE			



- NOTES:
1. LARGE CRUSHED STONE IS TO BE A MINIMUM OF 30mm TO 50mm in diameter.
  2. 30mm MEDIUM CRUSHED STONE IS TO BE A MINIMUM OF 30mm in diameter.
  3. FILTER MAT IS TO BE INSTALLED PRIOR TO CONSTRUCTION.
  4. FILTER MAT IS TO BE REMOVED AFTER CONSTRUCTION.
  5. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.



NOTE:  
 A. All dimensions are in millimeters unless otherwise shown.

ONTARIO PROFESSIONAL STANDARD DRAWING

HEAVY-DUTY  
 SILT FENCE BARRIER

OPSD - 219-130

OPSD - 701.010

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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-036**

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**Meeting Date:** September 2, 2020

**Public Meeting**

**Title:** An application to amend the Township of Emily Zoning By-law 1996-30

**Description:** An amendment to permit a truss manufacturing facility. The property is described as Part of Lots 14 and 15, Concession 12, geographic Township of Emily, City of Kawartha Lakes, identified as 914 Centreline Road

**Ward Number:** 6

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

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**Recommendations:**

**That** Report PLAN2020-036, Part of Lots 14 and 15, Concession 12, geographic Township of Emily, City of Kawartha Lakes, identified as 914 Centreline Road, “Gingrich – D06-2020-010”, 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 and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The subject property is an agricultural lot that contains a single detached dwelling, detached garage, storage shed, two drive sheds, a milking barn, and a heifer barn.

A Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit an approximately 600 square metre truss manufacturing facility, see Appendix 'B', is proposed. The shop is proposed as a secondary use to the farm operation. A reduction in the number of required parking spaces for the business is sought, along with some of the general provisions.

The business is proposed to have up to four employees, and up to 5 customers per day.

In support of the application, the following documents were submitted for review:

1. Planning Justification Brief dated March 2020 prepared by D.M. Wills Associates Limited.
2. Sewage Brief dated January 31, 2020 prepared by D.M. Wills Associates Limited.
3. Overall Plan – Figure 3A dated March 2020 prepared by D.M. Wills Associates Limited.
4. Concept Plan – Figure 3B dated March 2020 prepared by D.M. Wills Associates Limited.
5. Lot Servicing Plan – Figure 4 dated March 2020 prepared by D.M. Wills Associates Limited.
6. Zoning By-law Amendment Sketch dated March 2020 prepared by D.M. Wills Associates Limited.
7. Preliminary Grading and Drainage Plan dated March 2020 prepared by D.M. Wills Associates Limited.

At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

Owners: Ivan, Salema, Mark and Loretta Gingrich

Applicant: Darryl Tighe – D.M. Wills Associates Limited

Legal Description: Part of Lots 14 and 15, Concession 12, geographic Township of Emily

Official Plan: Prime Agricultural, Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)

Zone: Agricultural (A1) Zone in the Township of Emily Zoning By-law 1996-30, as amended

Site Size: 49.7 hectares

Site Servicing Private individual well and septic system

## **Rationale:**

### **Provincial Policies:**

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

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. More research is needed to determine if this use is consistent with provincial direction towards on-farm diversified uses and agricultural-related uses.

Evaluation with respect to the conformity of the proposal with respect to the Growth Plan is ongoing.

#### **Provincial Policy Statement, 2020 (PPS):**

Sections 1.1.5.2, 1.1.5.4, 1.1.5.7, and 1.1.5.8 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape and rural service levels. The sections further provide that where such uses are complimentary to a farm operation, those operations should be promoted to support a diversified rural economy.

Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with surrounding agricultural operations.

On-farm diversified uses are to be secondary to the principal agricultural use on the property and limited in area.

Agriculture-related uses are commercial and industrial uses directly related to farm operations, benefit from being in close proximity to farm operations, primarily provide services/products to farm operations, and support agriculture.

Evaluation with respect to the consistency of the proposal with respect to the PPS is ongoing.

### **Official Plan Conformity:**

The majority of the subject lands are designated Prime Agricultural and Rural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Environmental Protection, pertaining to a watercourse. The

proposal is within the Prime Agricultural and Environmental Protection designations.

Sections 15.1 and 16.1 of the Official Plan provides that agricultural land within, shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Prime Agricultural 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. Another objective is to ensure new uses are compatible with existing agricultural operations.

Review with respect to the conformity with the Official Plan is ongoing.

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

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a truss manufacturing facility. Various other amendments are considered to facilitate the construction of the facility, as well as reducing the parking requirement to 6 spaces.

### **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 employment.

## **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 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. A washroom is proposed in a nearby drive shed for employees. A new septic area is proposed to support this washroom.

## **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 Development Engineering Division raised no concerns as a result of the circulation. The Engineering Division has identified that further detailed review will occur when it is circulated the site plan application.

Comments were received from Jim and Lisa Goudie, who reside across the road at 925 Centreline Road. They have raised concern with:

- Some of the analysis within the Planning Justification report related to the labelling/classification of their property,
- The scale of the operation proposed which they contend is not an accessory use,
- The need to deliver raw materials and shipping of finished goods via semi-tractor and how such trucks will navigate the site and Centreline Road
- The placement of the facility directly in-line (in-front) of their residence,
- When notice was given; and
- If City staff have attended the property.

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

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas will continue to be consulted to ensure consistency and conformity with the Growth Plan and PPS.

Should the application be recommended for approval, a holding provision will be required in order to impose site plan control, to provide a greater degree of oversight over the planning and operation of the site.

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

mindful of the concerns raised from the Goudies and have sent their correspondence to the applicant and applicable staff to be reviewed and addressed. Staff will further analyze the responses received and the application in light of the Goudie's comments.

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

### **Conclusion:**

Review of this application remains ongoing pending the receipt of additional comments and subsequent planning analysis. Staff respectfully 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.

### **Attachments:**

#### **Appendix 'A' – Location Map**



Appendix A to  
Report PLAN2020-03

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



Appendix B to  
Report PLAN2020-03

#### **Appendix 'C' – Sketch**



Appendix C to  
Report PLAN2020-03

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

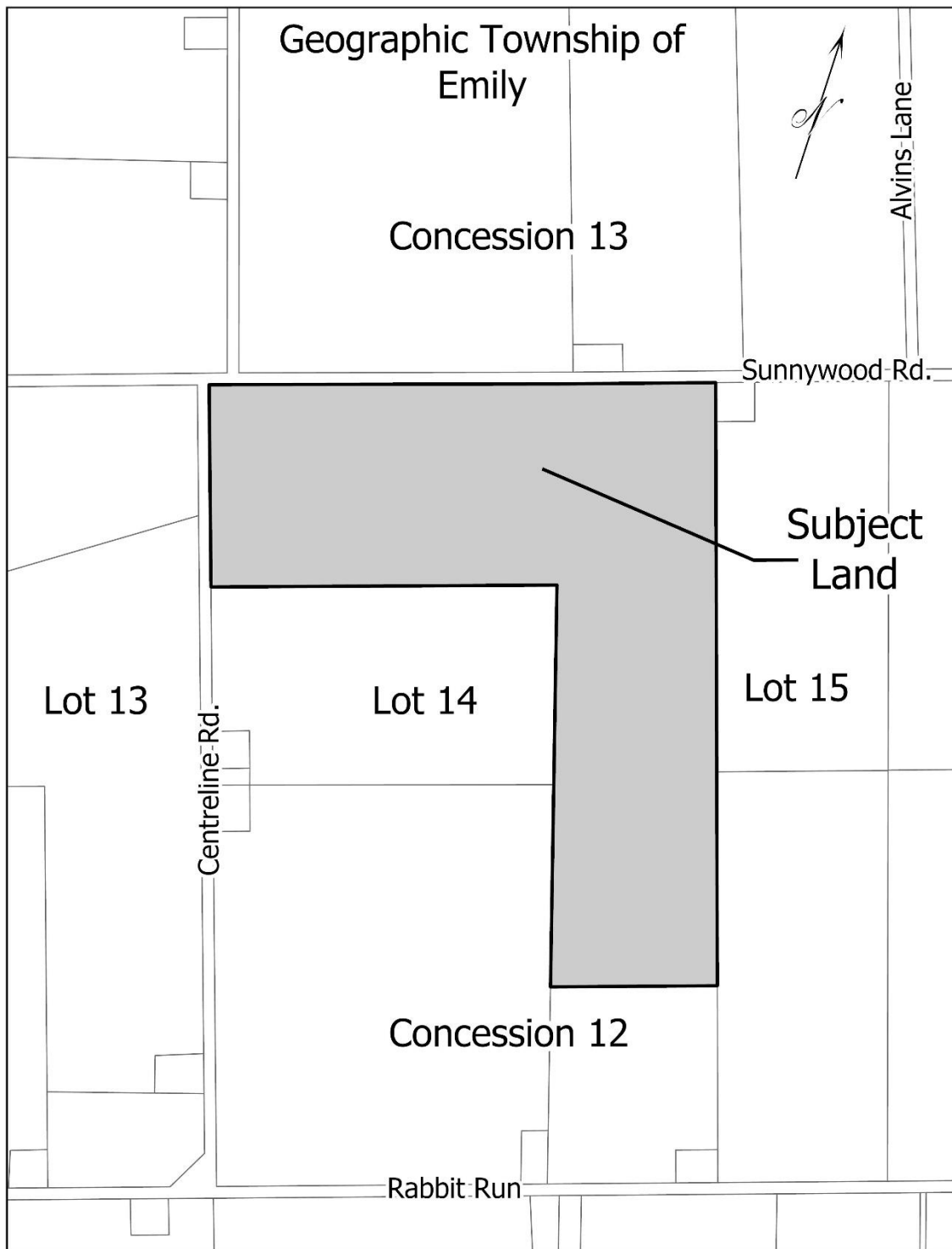
**Department Head:** Chris Marshall

**Department File:** D06-2020-010

to

REPORT PLAN2020-036

FILE NO: D06-2020-010





0.92

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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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.

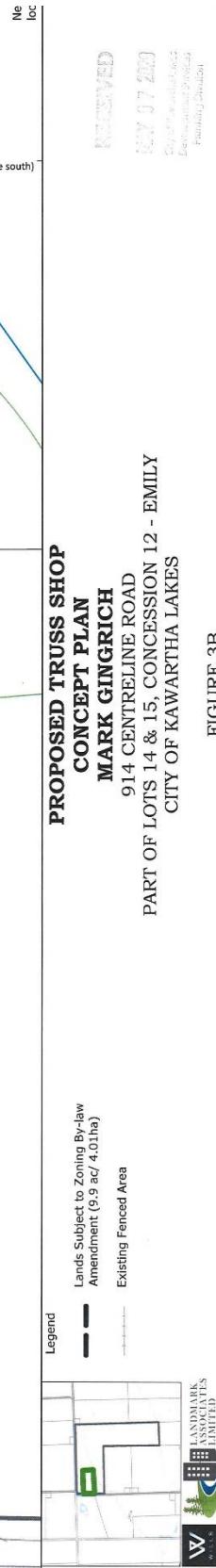
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APPENDIX " B "

to

REPORT PLAN2020-035

FILE NO: D06-2020-010



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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-037**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

**Title:** An application to amend the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

**Description:** An amendment to rezone the property from Open Space (O1) Zone to a residential zone to recognize the existing residential use. The property is described as Part of Lot 3, Concession 2, geographic Township of Laxton, City of Kawartha Lakes, identified as 128 Curls Road

**Ward Number:** 1

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

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### **Recommendations:**

**That** Report PLAN2020-037, Part of Lot 3, Concession 2, geographic Township of Laxton, City of Kawartha Lakes, identified as 128 Curls Road, “DaCunha and Potter – D06-2020-011”, be received; and

**That** the applications 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 property is delineated into two distinct bulbs of land connected by a thin strip of land, and is bordered on the east side by Duck Lake, and on the north, west, and south sides by road allowances. The subject property contains a single detached dwelling, and three accessory buildings on the southern bulb.

The applicant has submitted the following documentation in support of the application, which have been circulated to various departments and agencies for review and comment:

1. Planning Justification Report dated January 3, 2020 prepared by DC Planning Services Inc.,
2. Topographic Plan prepared by Coe Fisher Cameron Land Surveyors dated November 10, 2019,
3. Site Inspection Report for a Sewage System Permit from the HKPR District Health Unit dated April 17, 2000; and
4. Construction Permits dated June 30, 2000 and July 26, 2001

Owners:	Anna DaCunha and David Potter
Applicant:	Doug Carroll - DC Planning Services Inc.
Legal Description:	Part of Lot 3, Concession 2, geographic Township of Laxton
Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zone:	Open Space (O1) Zone in the United Townships of Laxton Digby and Longford Zoning By-law 32-83, as amended
Site Size:	0.65 hectares
Site Servicing	Private individual well and sewage system

## **Rationale:**

The application proposes to add zoning on the property in accordance with the dwelling that was constructed. The property is currently zoned Open Space (O1), and a single detached dwelling is not a permitted use within that zone.

## **Provincial Policies:**

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

The Growth Plan directs development to settlement areas, except where necessary for development related to the management or use of resources,

resource-based recreational activities, and rural land uses that cannot be located in settlement areas. 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.

Preliminary review appears to indicate that the application will conform as the property is a shoreline property that benefits from access to the recreational resource of Duck Lake.

Review with respect to the conformity to the Growth Plan is ongoing.

### **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. 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 development that is compatible with the rural landscape and can be sustained by rural service levels.

Preliminary review appears to indicate that the application will conform as the property is a shoreline property that benefits from access to the recreational resource of Duck Lake

Review with respect to the consistency with the PPS is ongoing.

### **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. The Environmental Protection lands appear to be along the shoreline as well as the narrow strip of land which connects both bulbs of the property.

While Section 16 of the Official Plan, which deals with the Rural designation policies, is primarily structures for the protection of class 4-7 agricultural lands, provision is also made for limited low density residential use in the form of single detached dwellings. One of the main goals of the designation is to preserve and promote the rural character of the countryside.

The residential use, while established, is closer to the shoreline than would typically be permitted for new builds given the new water setback policies that are in place. The application seeks to change the zone category to a residential use, so consideration must also be applied to what could be built in the future.

Review with respect to the conformity to the Official Plan is ongoing.

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

The subject land is zoned Open Space (O1) Zone in the United Townships of Laxton Digby and Longford Zoning By-Law 32-83.

The application proposes to adjust the zoning on the property to a residential zone category. Staff is awaiting comments from other offices, including the Kawartha Region Conservation Authority. Once these comments are received, staff will further review whether it is appropriate to rezone a portion or all of the property, and what zone provisions are to be considered to ensure the orderly and environmentally appropriate development on the land that may be rezoned.

### **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 aligns with the exceptional quality of life by recognizing a shoreline residential use.

### **Servicing Comments:**

The land 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 Development Engineering 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:**

While the application generally appears to conform to the Growth Plan and generally appears to be consistent with the Provincial Policy Statement, additional review and agency comments are required to confirm final conformity and consistency of those documents as well as the Official Plan. The comments

from circulated agencies and departments will also assist with crafting of the by-law amendment given the environmental factors which must be considered for waterfront development.

## **Conclusion:**

Review of this application remains ongoing pending the receipt of additional comments and subsequent planning analysis. Staff respectfully 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.

A pdf document is embedded into this document. Please contact David Harding, Planner II at 705-324-9411 extension 1206 to request an alternative format.

## **Attachments:**

### **Appendix 'A' – Location Map**



Appendix A to  
Report PLAN2020-03

### **Appendix 'B' – Sketch for Consent Application**



Appendix B to  
Report PLAN2020-03

### **Appendix 'C' – Aerial Photograph**



Appendix C to  
Report PLAN2020-03

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

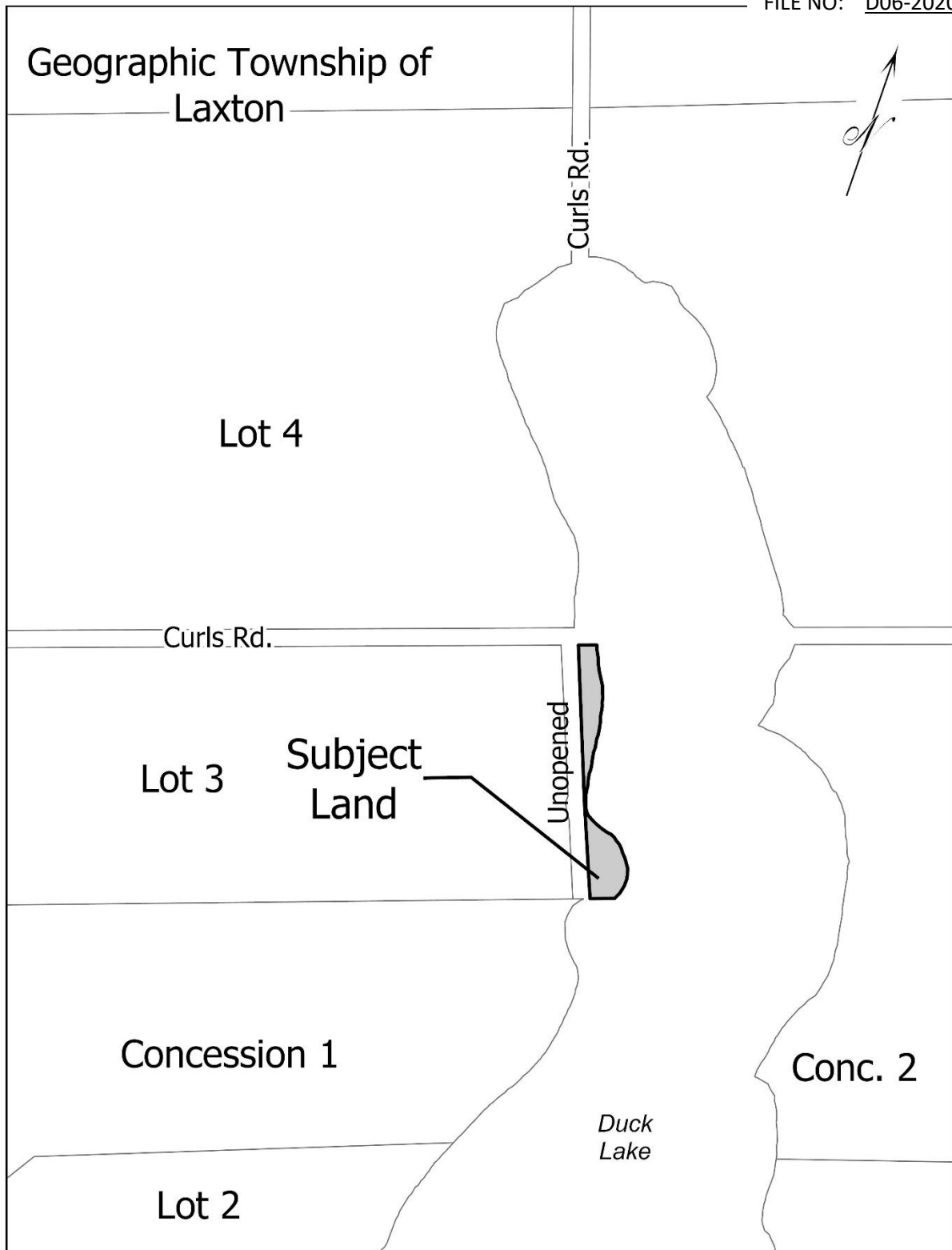
**Department Head:** Chris Marshall

**Department File:** D06-2020-011

to

REPORT PLAN2020-037

FILE NO: D06-2020-011



to

REPORT PLAN2020-037

FILE NO: D06-2020-011

128 Curls Road, geographic Twp. of Laxton



0.23 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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NORTH

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FILE NO: D06-2020-011



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

## **Planning Advisory Committee Report**

**Report Number PLAN 2020-038**

---

**Meeting Date:**        **September 2, 2020**

### **Public Meeting**

**Title:**                **Zoning By-law Amendment - 438 St. Mary's Road,  
Manvers (Shea)**

**Description:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zoning on a portion of the land from Rural General (A1) Zone to an Agricultural Exception Zone to prohibit residential uses. The application will also change the zoning surrounding the dwelling from Agricultural (A1) Zone to the Rural Residential Type One (RR1) Zone to recognize the existing residential use on the property and prohibit agricultural uses. The rezoning is a condition of provisional consent.

**Ward Number:**        **8 - Manvers**

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

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

**That** Report PLAN2020-038, respecting Part Lot 17, Concession 13, geographic Township of Manvers, and identified as 438 St. Mary's Road – Application D06-2020-013, be received;

**That** a Zoning By-law Amendment respecting application D06-2020-013, substantially in the form attached as Appendix "D" to Report PLAN2020-038, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The subject property is an agricultural lot that contains a detached dwelling. The owner sought to sever a 0.43 hectare (1.06 acres) parcel containing the single detached dwelling and retain approximately 39.57 hectares (97.8 acres) of agricultural land to be consolidated with a non-abutting farm parcel to the south identified as Part of lot 17, Concession 12, 374 St. Mary's Road owned by the Shea family. The dwelling is deemed surplus to the needs of the farm operation.

As a condition of the provisional consent decision (File No. D03-2019-032), the agricultural land to be retained is to be rezoned to prohibit residential uses. To acknowledge the existing residential use, the proposed severed lands are to be rezoned to a rural residential type one zone category, which prohibits agricultural uses.

Owner:	Randy Shea
Applicant:	Bob Clark, Clark Consulting Services
Legal Description:	Part Lot 17, Concession 13, geographic Township of Manvers
Official Plan:	Rural with a Watercourse and Significant Woodlands within the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	Severed – 0.43 hectares Retained – 39.57 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Woodlot, Watercourse (Pigeon Creek) South: Pigeon Creek Road, Agricultural, Rural Residential East: St. Mary's Road, Agricultural, Woodlot West: Agricultural, Rural Residential

## Rationale:

Rural areas are important to the economic success and overall quality of life within a given area. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural lands and to rezone the proposed severed lot to a rural residential type one use that acknowledges the existing single detached dwelling, 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 retained lands in conjunction a non-abutting agricultural parcel to the south. The single detached

dwelling is deemed surplus to the needs of the farm operation, as the residence is not required for use by a family member or an employee.

### **Provincial Policies:**

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

Section 2.2.9(3) c. states that development outside of settlement areas may be permitted on rural lands provided: a) the uses are compatible with the rural landscape and surrounding local land uses; b) the uses will be sustained by rural service levels, and; c) the uses will not adversely affect the protection of agricultural uses and other resource-based uses.

The rezoning as a condition of consent to sever the single detached dwelling deemed surplus to the needs of the agricultural operation is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape. The residential use is existing and located on private well and septic systems. The location of the single detached dwelling will not adversely impact the adjacent agricultural land uses.

Therefore, this application conforms to the Growth Plan.

#### **Provincial Policy Statement, 2020 (PPS):**

Section 1.1.5.2 of the Provincial Policy Statement provides that locally appropriate lot creation is permitted within rural areas. Section 2.3.4.1(c) pertaining to prime agricultural lands 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 retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be severed is of sufficient area accommodate existing water and wastewater services. Minimum Distance Separation (MDS I) is not applied as the dwelling exists and there are no structures designed for or used as a livestock facility on the proposed retained lands.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated Rural, Environmental Protection for the Watercourse and Significant Woodlands in the City of Kawartha Lakes Official Plan (Official Plan).

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.

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

Since there are no proposed structures on either the severed or retained lands and the application is administrative in nature, no impacts will be posed to the watercourse or the Significant Woodlands on the severed or retained lands. Kawartha Conservation reviewed the associated Consent application and had no concerns with the proposal.

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

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

The subject land is zoned Rural General (A1) Zone in the Township of Manvers Zoning By-Law 87-06. The A1 zone category permits a single detached dwelling and agricultural uses amongst other permitted uses. Section 10.3 (a) of the A1 Zone provides that a lot created by consent must have a minimum lot frontage of 38 metres and a lot area between a minimum of 0.2 hectares and a maximum of 1 hectare, and the lot shall comply with the Rural Residential Type One (RR1) Zone requirements. The lot to be severed meets this requirement.

A Rural General Exception 42 (A1-S42) Zone is proposed to replace the A1 Zone on the proposed retained land. The A1-S42 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy. The lot to be retained exceeds the minimum lot area and lot frontage requirements for the A1 zone and conforms to the remaining provisions of the Rural General Zone category.

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

### **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, Engineering and Corporate Assets Department 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 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 42 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 residential lot is zoned Rural Residential Type One (RR1) Zone to acknowledge the existing residential use on the property and prohibit future agricultural uses.

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

### **Conclusion:**

The application conforms to and is consistent with the provincial policies concerning Rural areas. The application also conforms to the Rural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of August 19, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

### **Attachments:**

## Appendix 'A' – Location Map



Appendix A to  
PLAN2020-038.pdf

## Appendix 'B' – Sketch for Consent Application



Appendix B to  
PLAN2020-038.pdf

## Appendix 'C' – Aerial Photograph



Appendix C to  
PLAN2020-038.pdf

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



Appendix D to  
PLAN2020-038.pdf

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

**Department Head:** Chris Marshall

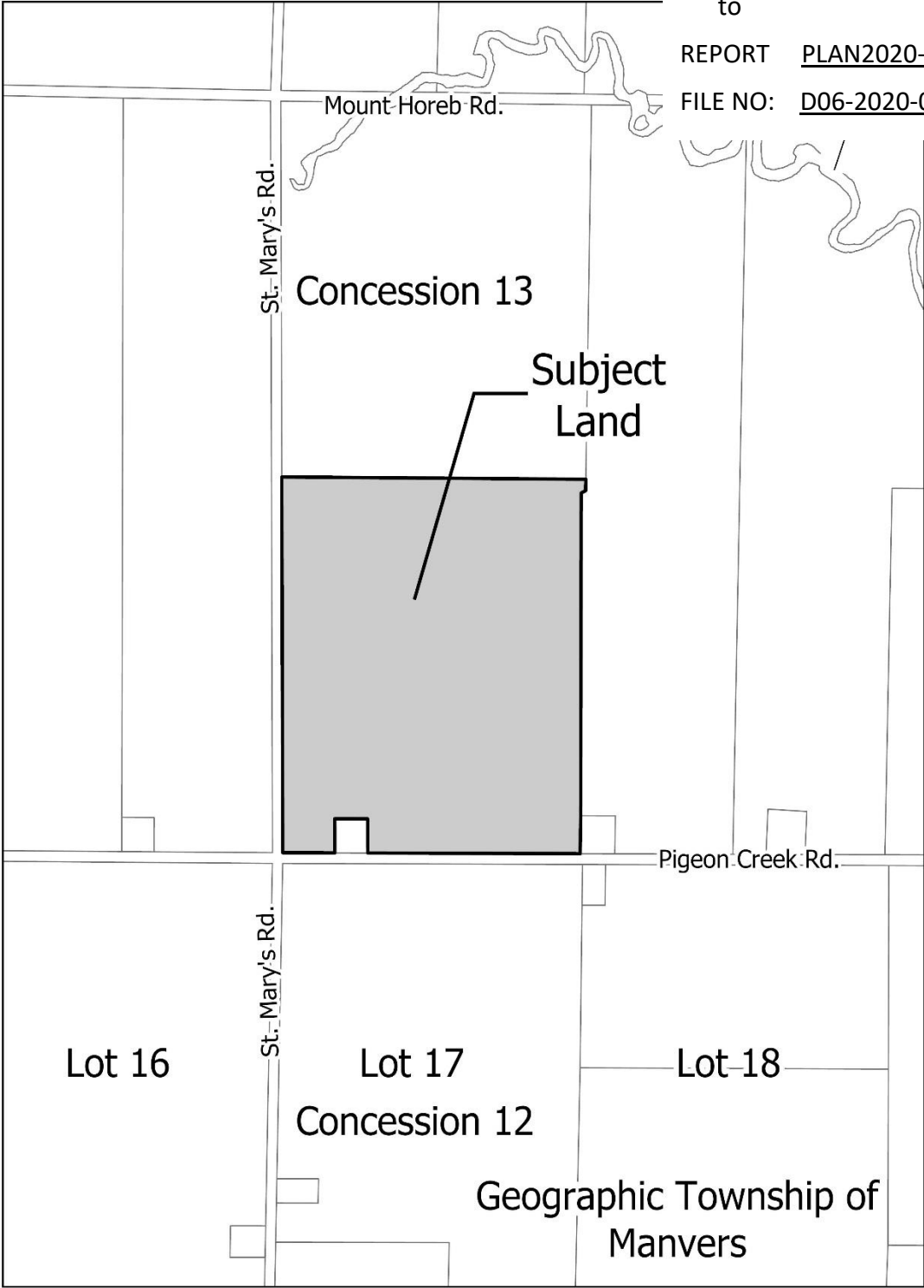
**Department File:** D06-2020-013

APPENDIX " A "

to

REPORT PLAN2020-038

FILE NO: D06-2020-013





438 St. Mary's Road, former geographic township of  
Manvers



- Legend**
- ☐ Property Roll Number
  - ☐ Lots and Concessions
  - ☐ Road Centreline (2016 Needs)
  - ☐ Lower Tier Municipalities

**Notes**  
Notes

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

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.

**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

APPENDIX " C "

to

REPORT PLAN2020-038

FILE NO: D06-2020-013

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

## **By-Law 2020 -**

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

File D06-2020-013, Report PLAN2020-039, respecting Part Lot 17, Concession 13, geographic Township of Manvers, identified as 438 St. Mary's Road

#### **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 the rural residential type one zone category;
  - (c) rezone the balance of the vacant agricultural lands to prohibit residential uses, 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 17, Concession 13, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended by adding the following subsections to Section 10.3:
  - 10.3.pp RURAL GENERAL EXCEPTION 42 (A1-S42) ZONE
  - 10.3.pp Notwithstanding subsections 10.1(d), 10.1(g), 10.1(h), 10.1 (i) and 10.1(j)10, on land zoned "A1-S42" a dwelling unit and accessory uses thereto and/or a seasonal farm residential use and accessory uses thereto are prohibited.
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category on a portion of the property from Rural General (A1) Zone to Rural Residential Type One (RR1) Zone for the land referred to as RR1, as shown on Schedule 'A' attached to this By-law; and to change the zone category on the balance of the lands from Rural General (A1) Zone to Rural General Exception 42 (A1-S42) Zone for the land referred to as A1-S42, 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 15th day of September, 2020.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

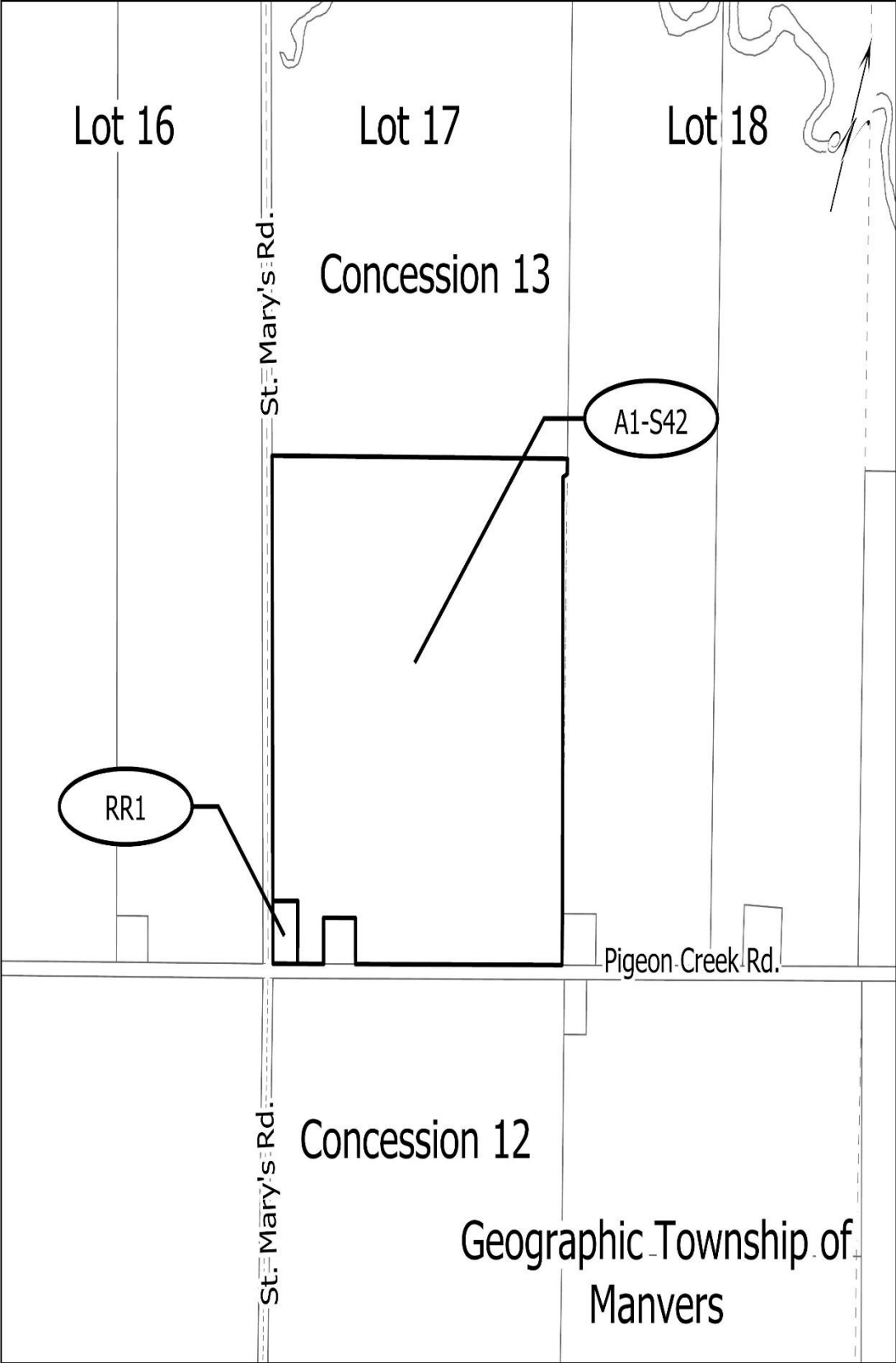
THE CORPORATION OF THE CITY OF

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 PLAN2020-039**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

**Title:** Official Plan Amendment and Rezoning Applications for MacLeish, Lindsay, Part of Lot 22, Concession 2, geographic Township of Ops.

**Description:** Applications to amend the City of Kawartha Lakes Official Plan to permit the severance of land along with a rezoning to permit the development of an agricultural-related uses including a Truck Terminal Facility, Truck or Tractor Repair and Sales, Bulk Agricultural/Seed Storage, and Nursery/Greenhouse uses

**Ward Number:** Ops – Ward 3

**Author and Title:** Jonathan Derworiz, Planner II

---

### **Recommendations:**

**That** Report PLAN2020-039, respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018, be received; and

**That** Report PLAN2020-039 respecting Applications D01-2020-004 and D06-2020-018 be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The lands known as 1590 Elm Tree Road in the former Township of Ops (Ops) are owned by Wayne and Ann MacLeish. Currently, the site is designated Prime Agricultural under the Official Plan and zoned Agricultural (A) Zone under the Zoning By-law. The site is approximately ten hectares and is used for residential and agricultural purposes. A single detached dwelling, a livestock building and detached accessory building are on site.

The proposed trucking terminal would be operated by Jamie Marquis Trucking Inc. (Marquis Trucking) which is a well-established business in the Lindsay area. Marquis Trucking is currently operating at 82 Zion Road in Little Britain and is seeking facility and operation expansion and following an assessment of possible locations, the subject site was selected.

Owner:	Wayne and Ann MacLeish
Applicant:	D.M. Wills Associates Ltd. (c/o Emma Drake)
Legal Description:	Part Lot 22, Concession 2, Part 1, 57R1619, geographic Township of Ops
Official Plan:	Prime Agricultural – City of Kawartha Lakes Official Plan
Zone:	Agricultural (A) Zone on Schedule 'A' of the Township of Ops Zoning By-law No. 93-30
Lot Area:	Retained – 5.9 hectares Severed – 4.1 hectares
Site Servicing:	Retained – Private sewage, Municipal water Severed – Private sewage, Municipal water
Existing Uses:	Single detached dwelling and agricultural uses
Adjacent Uses:	North: Agricultural East: Commercial South: Highway 7; Residential; Woodland; Agricultural West: Elm Tree Road; Residential

## **Rationale:**

### **Proposal:**

The proposal consists of severing approximately six hectares from the approximately 10-hectare site to facilitate development of a trucking terminal with eight bays, ancillary offices and related uses, including truck or tractor repair and sales, bulk agricultural and/or seed storage, and nursery or greenhouse uses. To note, a nursery use is currently permitted in the Agricultural (A) Zone. The proposed trucking terminal would include a fleet of approximately 20 transport trucks and five to seven employees at any given time. The site would be used for

maintenance and parking of the tractor trailer vehicles. The current residential and agricultural uses on the retained parcel of approximately four hectares would remain as is.

Section 15.3.3(b) of the Official Plan states that new Prime Agricultural lots are to have a minimum lot size of 40 hectares. As a result of the proposed development, the lands will not comply with this provision and an Official Plan amendment is required. By way of a site-specific Special Provision amendment, the applicant is proposing to permit severance of a 4.1-hectare parcel maintaining the Prime Agricultural designation.

In conjunction with the Official Plan amendment application, a rezoning application has been submitted to implement the proposed amendment. The site is currently zoned Agricultural (A) Zone, which does not permit the proposed truck terminal facility, truck or tractor repair and sales, bulk agricultural/seed storage, or greenhouse uses. By way of a rezoning of 'A' Zone to 'AS-11' Zone, the applicant has applied to permit these uses.

In support of these applications, the applicant has submitted the following documentation and studies which have been referred to City departments and outside Agencies for review:

1. Official Plan Amendment and Zoning By-law Amendment Applications received May 15, 2020.
2. Planning Justification Report with Agricultural Impact Assessment prepared by D.M. Wills Associates Limited March 2020. This report describes the subject lands, Marquis Trucking operations, and frames the proposed amendments in context of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), the City of Kawartha Lakes Official Plan (2012), and By-law 93-30, Township of Ops Comprehensive Zoning By-law. In summary, this Report justifies the applicant's rationale for the proposed amendments.
3. Sewage Brief prepared by D.M. Wills Associates Limited. March 2020. This report concludes that an on-site sewage disposal system on the proposed severance is required and outlines the technical requirements.
4. Functional Servicing Report prepared by D.M. Wills Associates Limited. March 2020. This report details water, sewage and stormwater servicing for the proposed severance.
5. Stormwater Management Report prepared by D.M. Wills Associates Limited March 2020. This report details the requirements for a stormwater management system on the proposed severance.
6. Lot Grading and Drainage Plan prepared by D.M. Wills Associates Limited April 2020.
7. Sedimentation and Erosion Control Plan by D.M. Wills Associates Limited April 2020.

8. Wetland Compensation Plan prepared by Niblett Environmental Associates Inc. January 2019. This report details wetland compensation measures as the proposed severance contains a wetland that cannot be wholly retained with development of the proposed use.
9. Environmental Impact Study prepared by Niblett Environmental Associates Inc. August 2018. This study examines the proposed development and potential associated environmental impacts associated. Recommendations to protect the natural heritage features on-site are prescribed in this report.
10. Traffic Impact Study prepared by Tranplan Associates. February 2020. This study evaluates traffic implications of this development on intersections and roadways in the immediate area and concludes that traffic and nearby intersections will continue to operate at the current level.

Staff has reviewed the Planning Justification Report submitted in support of the proposed Official Plan and Zoning By-law amendments. Responses from all commenting Agencies have not yet been received and Staff will complete their evaluation upon review of all submissions.

## **Provincial Policy Conformity**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Official Plan and Zoning By-law amendments pertaining to 1590 Elm Tree Road demonstrate conformity with the PPS in the following manner:

#### **1.7 Long-Term Economic Prosperity:**

The PPS prescribes mechanisms by which long-term economic prosperity should be supported and the amendments proposed in these applications are conducive to these objectives. The described amendments would permit expansion and relocation of an existing international trucking operation that serves the agri-food network both at a local and provincial level. Marquis Trucking currently operates in the City of Kawartha Lakes and is situated along a local road. Permitting the described amendments would allow Marquis Trucking to locate along a major transportation corridor outside of a settlement area thus improving their access to the larger agri-food network. Their relocation is coupled with an expansion which increases their service capacity.

#### **2.1 Natural Heritage:**

The northeast corner of the subject site contains part of the Lindsay Airport Wetland Complex which is designated as a significant wetland. The PPS places

great significance on natural heritage features and prescribes policies prohibiting development or site alteration for such features in Section 2.1. As part of the rezoning application, a rezoning of the area designated as significant wetland from Agricultural (A) Zone to Hazard Land (HL) Zone is proposed. This zoning designation is restrictive and permits only conservation. Application of the Hazard Land (HL) Zone in this manner aligns with Natural Heritage policies prescribed by the PPS.

Additionally, as required by Section 2.1.8, an evaluation of the ecological features of the lands adjacent to the significant wetland was conducted and submitted as the Environmental Impact Study in support of this application. This study, demonstrates that there will be no negative impacts on the significant wetland or ecological function of the surrounding area.

### 2.3 Agriculture:

Protection of Prime Agricultural areas is a fundamental directive in the PPS. Section 2.3 outlines measures that ensure development, where appropriate, is supplementary or complementary in nature to agricultural uses and does not harm Prime Agricultural lands. This includes lands identified or used for specialty crops. The proposed Official Plan amendment maintains the Prime Agricultural designation on both the severed and retained lots. Given the significance of Prime Agricultural lands, the appropriateness of the proposed severance and use as it relates to the Prime Agricultural designation has been scrutinized by Staff. Generally, Staff considers this use to be an agriculture-related use as it pertains to the PPS.

Section 2.3.4 provides for lot creation in Prime Agricultural areas. In this designation, lot creation is generally discouraged unless it can be demonstrated that the new lot will provide for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, or infrastructure where the facility or corridor cannot be accommodated through easements or a right-of-way. This application consists of a new lot creation through a severance of the subject lands. Staff consider this use to be an agriculture-related use as it aligns with the definition prescribed by the PPS: "Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity." This location would allow Marquis Trucking to increase capacity to serve farming operations in the area and benefits from being near to agricultural operations.

The retained lot will continue to function as is with a single detached dwelling, livestock building and detached accessory building. Keeping and pasturing of horses as a hobby will also continue. The PPS enforces that areas designated as Prime Agricultural remain as such to sustain agricultural uses. As the uses on the retained parcel are not proposed to change with these amendments, the Prime Agricultural designation is appropriate.

Section 2.3.6. guides the provision of non-agricultural uses in this designation and includes criteria for such uses including demonstrating that the land does not comprise a specialty crop area and alternative locations have been evaluated.

An Agricultural Impact Assessment (AIA) inclusive of an alternative location evaluation was completed in April 2017 by Landmark Associates Limited (now D.M. Wills Associates Ltd.) for the proposed development and was submitted as part of the Planning Justification Report in support of this application. The AIA included an on-site examination of the site to verify soil conditions as classes assigned by the Canada Land Inventory (CLI) are done so on a broad level without local analysis. The on-site examination concluded that while the CLI considers these soils Class 2, existing rough terrain makes tilling difficult and poor soil conditions would decrease possible crop yields. The subject site has never operated as a livestock operation nor has it been tilled. It is also a low lying area and was previously treed. Given these factors, the AIA concluded that the subject site is short of expected growing capabilities. The AIA also concluded that neither the subject site nor the surrounding area are specialty crop areas.

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

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan). The applications submitted generally demonstrate alignment with directions prescribed by this plan.

#### **3.2.4 Moving Goods:**

This site is located along Highway 7; a provincial roadway. Inherently, this location offers valuable access to a major goods movement corridor. In support of these applications, a Traffic Impact Study was submitted that concluded traffic and intersections in the vicinity would function at the same levels as they do currently. No negative impacts are expected as result of this development proposal.

#### **4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features and 4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features:**

With regard to the key hydrologic feature in the northeast corner of the subject site (Lindsay Airport Wetland Complex), this application and supporting documentation demonstrate compliance with applicable policies within Section 4.2.4. Through the Environmental Impact Study submitted in support of this application, the requisite 30 metre vegetation protection zone was recommended. To conform with the applicable PPS policies, the applicant is proposing to rezone the wetland area and vegetation zone to Hazard Land (HL) Zone to ensure conservation.

#### **4.2.6 Agricultural System:**

Section 4.2.6.4 indicates the significance placed on the relationship between agricultural lands and the functional and economical vitality of the agri-food network. Marquis Trucking operates as an agriculturally-focused transportation business which promotes the area's agri-food network. This operation serves agri-

food businesses both locally and throughout the province thus facilitating both existing and future economic connections within the agri-food network. The proposed use aligns with this policy.

### **City of Kawartha Lakes Official Plan, 2012:**

#### **Strategic Direction – Environment:**

The Official Plan contains various policies pertaining to the protection and conservation of Natural Heritage Features identified within the City of Kawartha Lakes. As identified on Schedule B of the Official Plan, the subject site contains a Locally Significant Wetland and Significant Wildlife Habitat in the northeast corner of the site. An Environmental Impact Study submitted in support of this application concludes that there will be no net loss of significant natural heritage features, provided that both a wetland compensation process and Endangered Species Act compensation process are administered at the site plan stage in consultation with the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry. The wetland compensation process will be negotiated to result in a net gain in wetland and related features and functions.

#### **Strategic Direction – Economic Development:**

Policies in this section inform decision making with regard to the economic element of land use planning for agriculture. The proposed application and development aligns with this section in that the proposed use will offer an increased capacity to a long-standing trucking business in the City. Inherently, this expansion will continue to support the agricultural industry as the use is a transportation terminal inherently contributing to the agri-food network on both a local and provincial level.

#### **Land Use Designations – Prime Agricultural Designation:**

A key goal of the Official Plan Prime Agricultural designation is to protect Class 1-3 lands as identified by the Canada Land Inventory. As described in the above section pertaining to the Agriculture in the PPS and Growth Plan, the subject lands contain Class 2 soils, however a local analysis of the site concluded that because of existing conditions and site history, crop production on this site would be deficient as compared to typical Class 2 soils. Section 15.3.15 notes that even soils with lower production are to be preserved to protect the agricultural economy from incompatible uses that may inhibit production. The AIA submitted in support of this application concluded that the use of this site for the proposed use will not inhibit typical farm practices or inconvenience farms of adjacent agricultural operations. Given the soil condition and that the proposed amendments are to facilitate an agriculture-related use, development on this site under the Prime Agricultural designation can be supported.

Section 15.3.3. of the Official Plan states new lots may be permitted where the severed and retained lots are intended for agricultural use and that the minimum lot size is to be 40 hectares. The Official Plan amendment proposes to permit severance of the subject lot that would result in both the severed and the retained lands being less than 40 hectares; approximately 4.1 hectares and 5.9 hectares,

respectively. Currently, the site is not being used for agricultural production given the aforementioned soil conditions. This, coupled with the limited farmable area as determined by current site uses, suggests that proposed severance creating two smaller lots is reasonable. The intended use of the severed lot is for agri-business uses to support the broader agricultural sector. Staff sees merit in the proposed Official Plan amendment to permit the aforementioned severance.

**Township of Ops Comprehensive Zoning By-law 93-30:**

The subject site is currently zoned Agricultural (A) Zone as per the Zoning By-law, which does not permit the proposed trucking terminal, truck and tractor repair/sales, bulk agricultural/seed storage uses or greenhouse uses. The intent of the Agricultural (A) Zone is to facilitate direct agriculture uses as well as select secondary uses agricultural in nature. Under this current zoning, the proposed use does not comply with the Zoning By-law. Additionally, the current zoning does not acknowledge the presence of the wetland in the northeast corner of the site. Proposed by the applicant is a rezoning of the site to 'AS' Exception Zone and Hazard Land (HL) Zone. A Holding Provision will also be applied to this site to ensure a site plan review process and will be removed upon site plan approval.

**From A Zone to AS-11 Zone:**

The current Agricultural (A) Zone does not permit the proposed uses of: trucking terminal; truck and tractor repair/sales; bulk agricultural/seed storage; or greenhouse. To accommodate these uses, the (AS) Exception zone is proposed. In order to align with the Prime Agricultural Official Plan designation, the zoning applied to the site must be agricultural in nature. Given that the proposed uses are generally similar to those currently permitted in the (AS) Zone and are inherently agriculturally supportive, this zone is an appropriate selection.

**From A Zone to HL Zone:**

A significant wetland is located in the northeast corner of the site. In order to conserve the wetland and implement the 30 metre natural vegetation protection zone outlined in the Growth Plan for the Greater Golden Horseshoe and prescribed by the Environmental Impact Study submitted in support of this application, application of the 'HL' Zone to this select area is supported. This proposed rezoning of 'A' Zone to 'HL' Zone aligns with the Zoning By-law as the 'HL' Zone permits only conservation uses.

A preliminary review of the proposed site plan indicates that the development appears to exceed the Zone Provisions prescribed by the 'AS' Zone pertaining to Lot Frontage, Setbacks, Building Height and Area, and Landscaped Open Space. The table below contains this analysis:

<b>Zone Provision</b>	<b>By-law Requirement</b>	<b>Proposed</b>
Lot Frontage (minimum)	45 metres	147 metres
Front Yard Setback (south)	15 metres	129 metres
Interior Side Yard Setback (west) (minimum)	4.5 metres	48.6 metres
Interior Side Yard Setback (east) (minimum)	4.5 metres	36.4 metres
Rear Yard Setback (north) (minimum)	15 metres	117.0 metres
Building Height (maximum)	10.5 metres	9.1 meters
Building Area (maximum)	30%	4.3%
Landscaped Open Space (minimum)	20%	49.5%

As per the Zoning By-law, a total of 57 parking spaces are required with 43 spaces for the trucking terminal and 14 spaces for the office component. The applicant is proposing a total of 42 spaces with four of those demarcated as accessible parking spaces. This results in a deficiency of 14 parking spaces. Further evaluation of this parking space deficiency is being undertaken by Staff.

From a land use planning perspective, and in relation to a key objective of this Official Plan, this application demonstrates compatibility with adjacent land uses. The Agricultural Zone is applied on three of the four sides of the subject site (north, south, and west) and, to the east is Highway Commercial Zone. The proposed is compatible with the surrounding zones.

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

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial or operational impacts pertaining to the proposed amendments. In the event of an appeal to the decision made by Council, costs would be incurred, some of which may be recovered from the applicant.

### **Relationship of Recommendation to the 2020-2023 Strategic Plan:**

The proposed amendments promote the Strategic Priority of a Healthy Environment. Through maintaining the Prime Agricultural Land Use Designation

and operating as an agri-business that is complementary to the area's agricultural network, Progress Indicator 5: "Protect and preserve natural areas and prime agricultural land" is achieved. Additionally, as part of natural heritage conservation, the application proposes a restrictive zone on a significant wetland located on the property. To compensate for removal of part of the site's wetland, through consultation with the City, the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry, function will be restored at a greater rate in an alternative location preventing a net loss in function.

The Strategic Priority of a Vibrant and Growing Economy is demonstrated in these applications as the proposed primary use is agriculturally supportive. Approval of the described amendments would facilitate expansion of a long-standing agricultural support operation from a local road to a major transportation corridor in the City of Kawartha Lakes.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

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

Site and building accessibility will be reviewed through the site plan and Building Permit applications.

### **Servicing Comments:**

The property is currently serviced with municipal water, however, the municipal water supply does not have capacity for firefighting purposes. Once comments are received from other agencies, this matter will be addressed at the site plan stage.

Municipal sewage is not available at this site and the documents submitted in support of these amendments acknowledge that private sewage disposal is required. This will be addressed at the site plan stage.

Regarding stormwater, existing surface water runoff patterns will be maintained with the proposed development and discharge off site will be controlled to peak pre-development flows. Once comments are received from other agencies, this matter will be addressed at the site plan stage.

### **Consultations:**

Notice of this application was circulated to property owners within a 500 metre radius, the Ward Councillor and external agencies and City Departments which may have an interest in the application.

At the time of report writing, the following comments have been received:

### **Public Comments:**

At the time of writing this report, one letter in support of the proposed amendments has been received.

### **Agency Review Comments:**

Building Division (August 4, 2020): Given the size of the proposed building, an on-site firefighting system is required. The water main that services the site does not have capacity for fire suppression and an alternative solution must be provided.

Development Engineering Division (August 14, 2020): advised that they have no objection to the proposed Official Plan amendment or the proposed Zoning By-law amendment. A detailed Engineering review and comments will be provided at the time of site plan approval.

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

This application generally conforms with the PPS, the Growth Plan, the Official Plan and the Zoning By-law. While the proposed severance creates a lot deficient of the minimum size for Prime Agricultural lands, the existing site conditions, low agricultural production potential, nature of the proposed uses, and other items identified in this report, provide a reasonable justification for the proposed Official Plan amendment and subsequent Zoning By-law amendment.

At this time, technical review comments have not been received from all City departments or external agencies.

### **Conclusion:**

Staff recommends that the applications for the proposed Official Plan amendment and Zoning By-law amendment be referred back to staff for further review and consideration until comments from the public meeting have been reviewed, and comments from circulated agencies and City Departments have been addressed.

### **Attachments:**



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Concept Site Plan

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

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

**Department File:** DO1-2020-004 and D06-2020-018

Geographic Township of  
Ops

Lot 23

Lot 22

Subject  
Land

Elm Tree Rd.

Green Forest Dr.

Hwy 7

Unopen

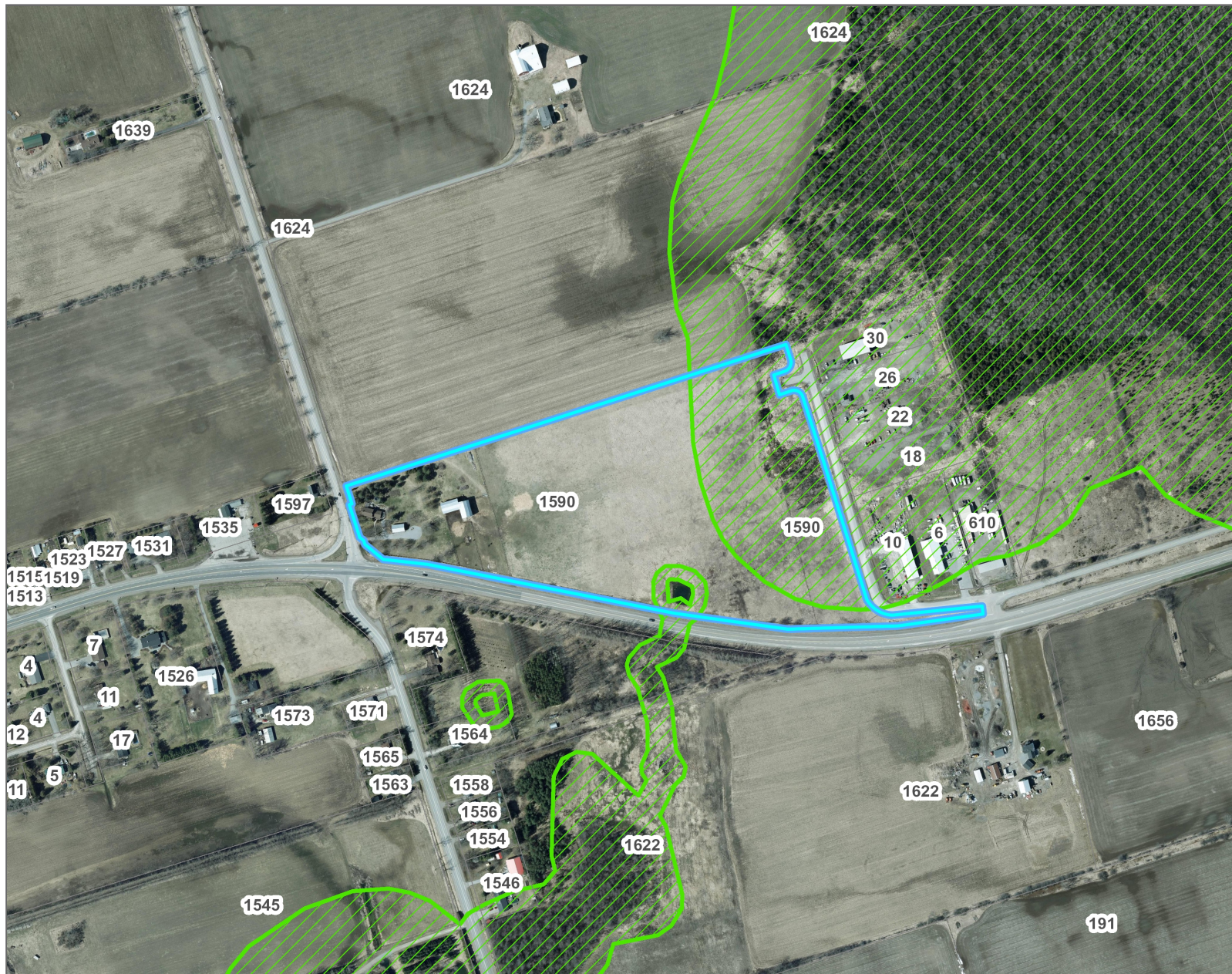
Elm Tree Rd.

Conc. 1

Lot 21

Concession 2

# 1590 Elm Tree Road, Ops



## Legend

- ☐ Property Roll Number
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities
- ☒ KRCA Regulated Areas

## Notes

Notes

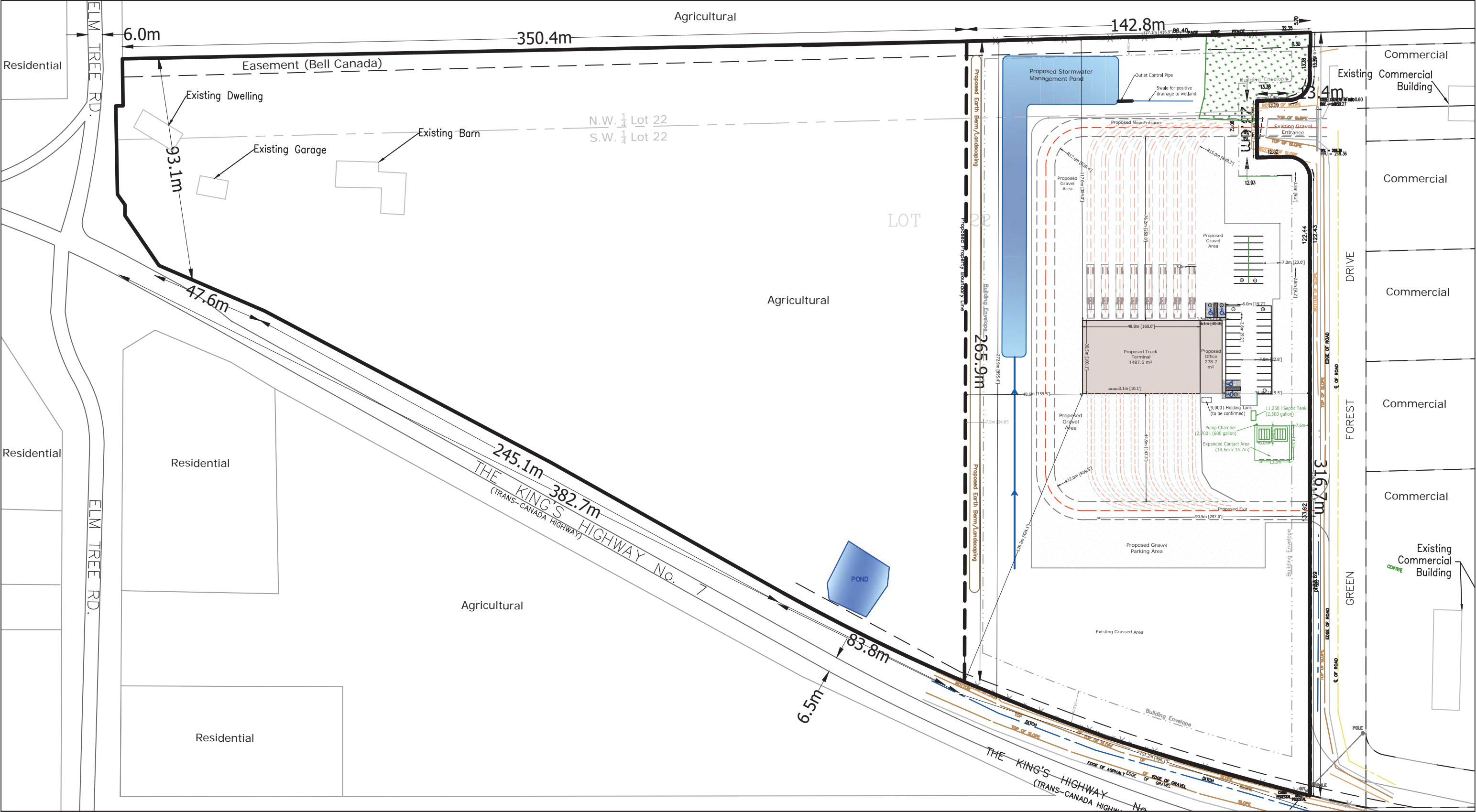
0.45

Kilometers

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



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— Subject Property  
— Lands Subject to Application

Note: The Highway 35/7B Bridge is approximately 2.08 km East as the crow flies.



**PROPOSED TRUCK TERMINAL  
OVERALL SKETCH**  
1590 ELM TREE ROAD  
PART LOT 22, CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF OPS  
NOW IN THE CITY OF KAWARTHA LAKES

Scale 1:1500 metres



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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-040**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

**Title:** An application to amend the Town of Lindsay Zoning By-law 2000-75

**Description:** To change the Central Commercial (CC) Zone on a portion of the subject land to a Residential Multiple One Special (RM1-\*\*) Zone as a condition of the approval of a Consent application to sever the southwest portion of the subject lands with an existing residential building containing four dwelling units and municipally known as 6 Glenelg Street West on land identified as 37 Lindsay Street South and 6 Glenelg Street West (Glenelg Developments Corporation)

**Ward Number:** 7

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

---

### **Recommendations:**

**That** Report PLAN2020-040, respecting Part Lot 2, North side of Glenelg Street, Town Plot, former Town of Lindsay, Application D06-2020-008, be received;

**That** a Zoning By-law, respecting application D06-2020-008, substantially in the form attached as Appendix 'D' to Report PLAN2020-040 be approved for adoption 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:

Proposal:	To rezone a portion of the subject land from the Central Commercial (CC) Zone to the Residential Multiple One Special (RM1-**) Exception Zone. The effect of the zoning amendment would be to permit a fourplex dwelling and home occupation use within a dwelling and implement site specific development standards to fulfill a condition of Consent to facilitate the severance of the land. This allows separate ownership of the residential portion of the lands and recognizes the existing development of the property being severed.
Owner:	Glenelg Developments Corporation
Applicant:	DC Planning Services Inc., c/o Doug Carroll
Legal Description:	Part Lot 2, North side of Glenelg Street, Town Plot, former Town of Lindsay (6 Glenelg St. W.)
Official Plan:	“Central Business District Commercial” in the Town of Lindsay Official Plan
Zoning:	“Central Commercial (CC) Zone” in the Town of Lindsay Comprehensive Zoning By-law No. 2000-75
Site Size:	37 Lindsay Street S., 2,954.22 m <sup>2</sup> (31,799 sq. ft.) – MPAC 6 Glenelg Street West, 768.87 m <sup>2</sup> (8,276 sq. ft.) – MPAC
Site Servicing:	The lot is serviced by municipal water and sanitary sewer.
Existing Uses:	Residential
Adjacent Uses:	North: Commercial East: Lindsay Street South/Commercial South: Glenelg Street West/Residential West: Residential/Commercial

## Rationale:

The owner has applied for a rezoning to facilitate a condition of a Consent application (File: D03-2019-011) to sever the southwest portion of the subject lands containing an existing residential building containing four dwelling units in order to create a separate residential lot. The subject lands are located at the southwest corner of Lindsay Street South and Glenelg Street West in the former Town of Lindsay.

The purpose of the application is to sever approximately 447 square metres of land containing a two-storey brick dwelling fronting on Glenelg Street West and retain approximately 3,345 square metres of commercial lands containing a two-storey brick commercial building. The severed land is to recognize and establish the residential dwelling on a standalone parcel.

The parcel to being severed is currently addressed as 6 Glenelg Street West and has a separate assessment roll number different from the assessment roll number for the proposed retained lands (37 Lindsay Street South). However, both addresses share the same property identifier number (PIN) which means the proposed severed and retained parcels are considered a single entity on title and not separately conveyable. The objective of the consent application process is to legally remove the residential parcel from the overall land holdings.

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

1. Zoning By-law Amendment Application received February 3, 2020.
2. Severance Sketch for 37 Lindsay Street South and 6 Glenelg Street West, prepared by Coe Fisher Cameron, dated November 15, 2018.
3. Plan of Survey for 6 Glenelg Street West, prepared by Coe Fisher Cameron, dated March 29, 2019.

Staff has reviewed the supporting documentation and has evaluated the application in the context of applicable zone provisions and policies.

### **Applicable Provincial Policies:**

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) and Provincial Policy Statement, 2020 (PPS):**

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise. The 2020 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 shall be the focus of growth and development.

The application conforms to the policies of the 2019 Growth Plan and is consistent with the PPS as development is directed to a settlement area, where densities and a mix of land uses are appropriate which can make effective use of existing infrastructure.

### **Official Plan Conformity:**

The lands are designated 'Central Business District Commercial' (CBD Commercial) in the Town of Lindsay Official Plan (OP). The subject lands are also identified as being in the Downtown Area-Policy Area and subject to Community Improvement Area Plans. The proposed retained land conforms to the CBD Commercial policy, which permits a full range of retail and commercial uses. Likewise, the proposed severed lands follow the CBD Commercial policy,

which permits residential uses on the upper storeys of a commercial building or in free-standing residential buildings.

In consideration of the above, it would appear that this proposal conforms to the policies of the Town of Lindsay Official Plan.

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

The subject lands (retained and severed) are zoned 'Central Commercial (CC) Zone' in the Town of Lindsay Zoning By-law 2000-75, which permits an array of commercial uses, dwelling units above a permitted commercial use, residential apartment building, etc. The CC Zone does not permit a freestanding residential dwelling in the form of single or semi-detached dwelling, a duplex dwelling, triplex or fourplex dwelling. In order to fulfill a condition of Consent for the land being severed, a rezoning application has been submitted for consideration to deal with land use, lot area and frontage, interior side and rear yard setback reductions, and minimum parking standards for the subject lands. The effect of the rezoning application allows separate ownership of the lands and recognizes the existing development of the property.

Currently, the retained land contains a two-storey brick commercial building while the severed land contains a freestanding residential building. In this residential building, there are three (3) dwelling units within the two-storey portion with a basement space below the main level used for storage, including a supplementary dwelling unit on the attached single-storey portion of the same building, which the owner advised was converted and utilized for office space. A fourplex use is considered appropriate by definition, based on the layout of the dwelling units, which includes in the two-storey side, a one-bedroom dwelling unit on the main level, two other accessory apartment units on the upper level sharing a common vestibule with the space on the main level, and a fourth accessory apartment unit in the one-storey portion having a separate entrance from outside.

The applicable residential parking requirement of 1.35 parking spaces per dwelling unit is being applied in accordance with the parking provisions for multiple attached dwelling unit. This is in order to accommodate for visitor parking while accounting for the advice of the owner that the dwelling units are rented out under an affordable housing program whereby the participants/residents do not have access to a personal vehicle.

In light of the above, a Residential Multiple One (RM1) Zone category would be suitable for the lot to be severed with a parking requirement of 5.4, which would typically be rounded to 6 parking spaces in accordance with the parking provisions. Given 5 parking spaces are currently available on the lot to be severed, a condition of consent required that the lot to be severed be rezoned from the CC Zone to a RM1 Exception (RM1-\*\*) Zone to establish the principle of residential use and to permit a reduced minimum number of parking spaces with applicable zoning standards determined necessary.

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

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

There are no accessibility implications for the City.

## **Servicing Comments:**

The lot is serviced with municipal infrastructure. As there are no changes proposed to the existing fourplex dwelling on the proposed severed land, the approval of the application would not affect existing servicing capacity.

## **Consultations:**

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

### **Public Comments:**

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

### **Agency Review Comments:**

On August 12, 2020, the Building Division advised they have no concerns with the application.

On August 17, 2020, Development Engineering advised they have no objection or comments with respect to the proposed Zoning By-law Amendment.

On August 17, 2020, Heritage Planning Economic Development Officer advised there were no concerns regarding the proposed rezoning of the property as there is no anticipated impact on the adjacent heritage conservation district.

On August 20, 2020, the Community Services Department advised they have no concerns or comments with the application.

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

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Town of Lindsay OP. The proposed Zoning By-law amendment will appropriately facilitate the severance of the subject lands with site specific development standards to be implemented including a reduced minimum lot area per dwelling unit, reduced minimum lot frontage per dwelling unit, reduced minimum interior side yard setback, reduced minimum rear yard setback and a reduced number of required parking spaces.

### **Conclusion:**

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

### **Attachments:**

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



Appendix 'A'  
PLAN2020-040.pdf



Appendix 'B'  
PLAN2020-040.pdf



Appendix 'C-1'  
PLAN2020-040.pdf



Appendix 'C-2'  
PLAN2020-040.pdf



Appendix 'D'  
PLAN2020-040.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photograph  
Appendix 'C-1' and 'C-2' – Survey Plan and Consent Sketch  
Appendix 'D' – Draft Zoning By-law Amendment

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

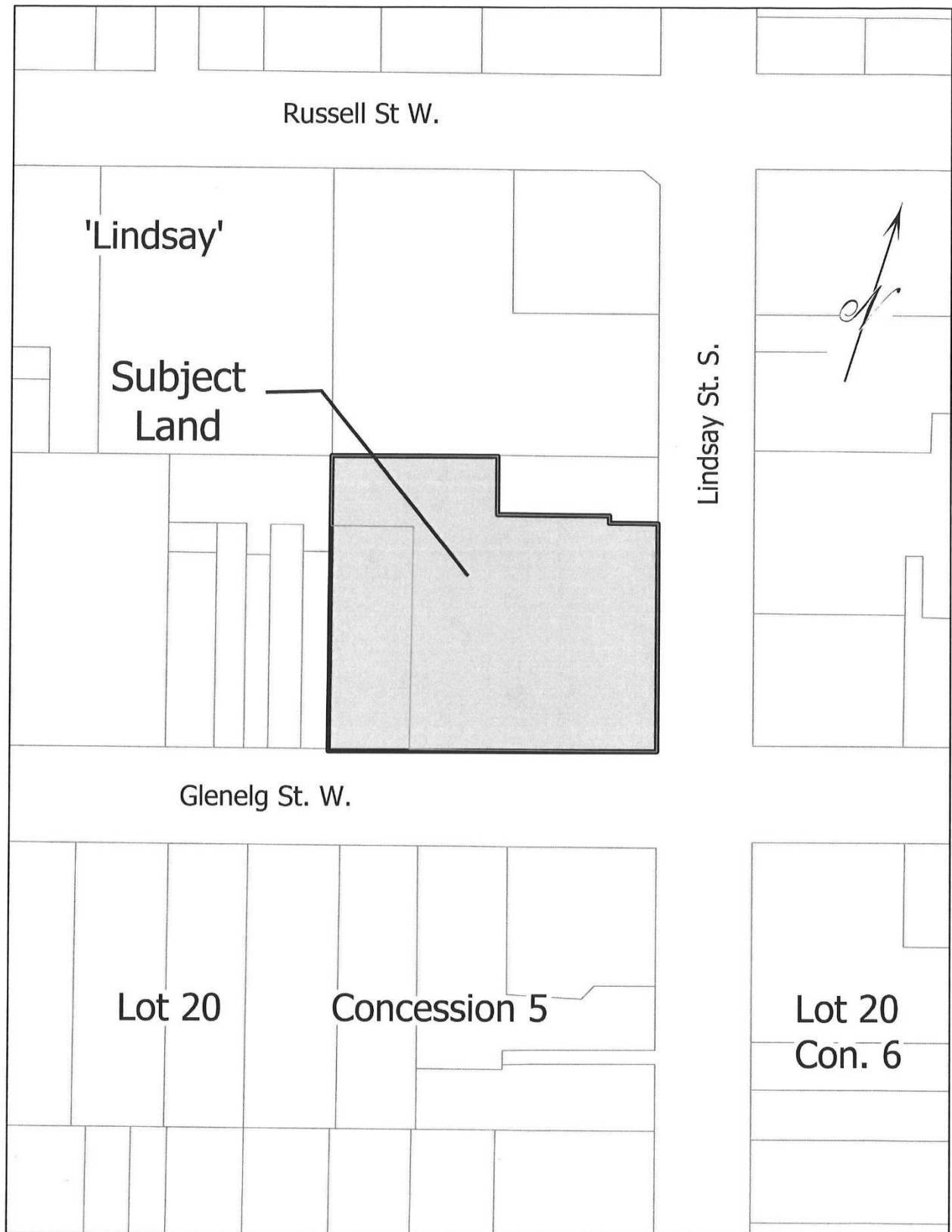
**Department Head:** Chris Marshall

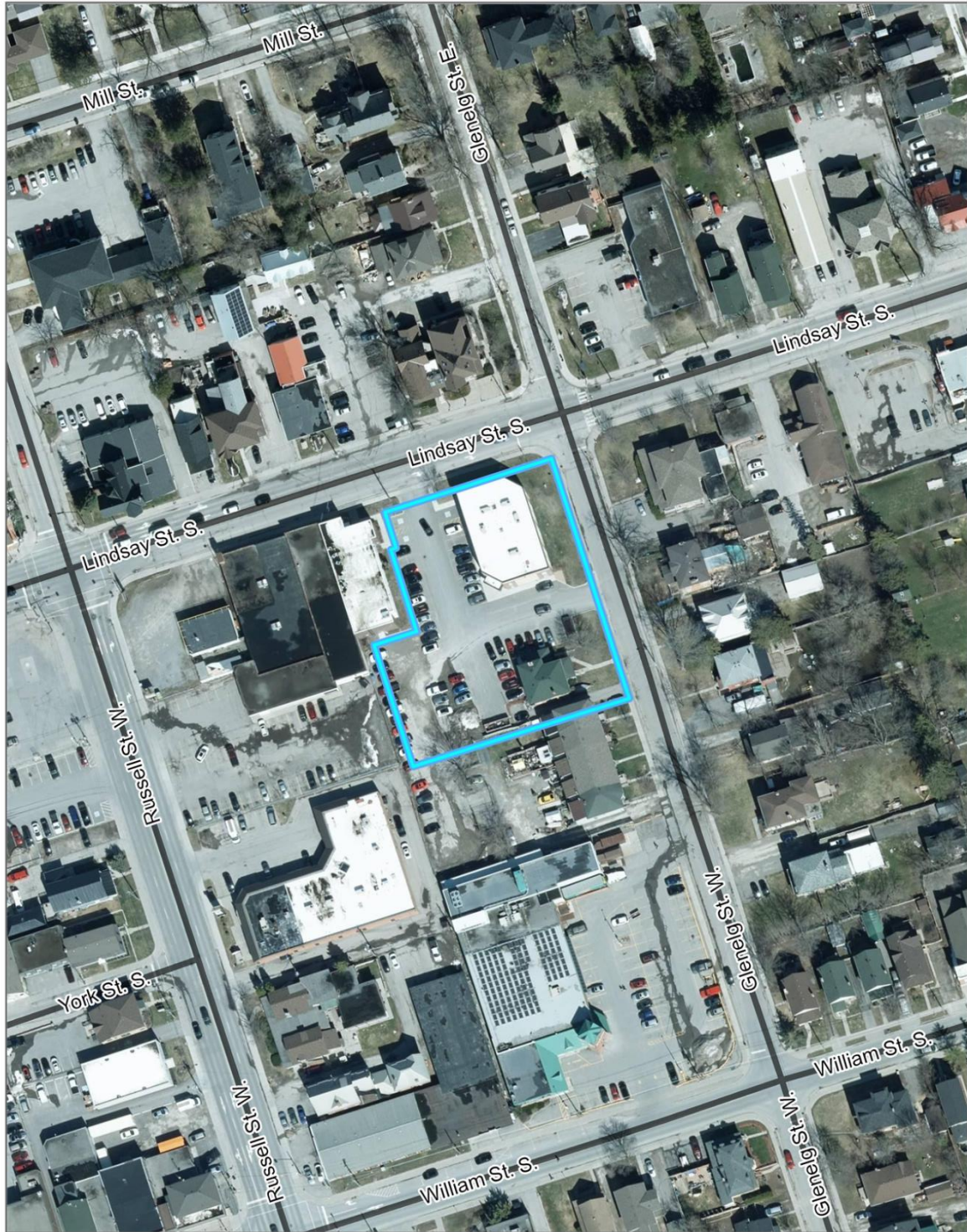
**Department File:** D06-2020-008

to

REPORT PLAN2020-040

FILE NO: D06-2020-008





**Legend**

- ☐ Property Roll Number
- ☐ Property PIN
- ☐ Lots and Concessions
- ☐ Road Centreline (2016 Needs
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

APPENDIX " B "

to

REPORT PLAN2020-040

FILE NO: D06-2020-008

**Notes**

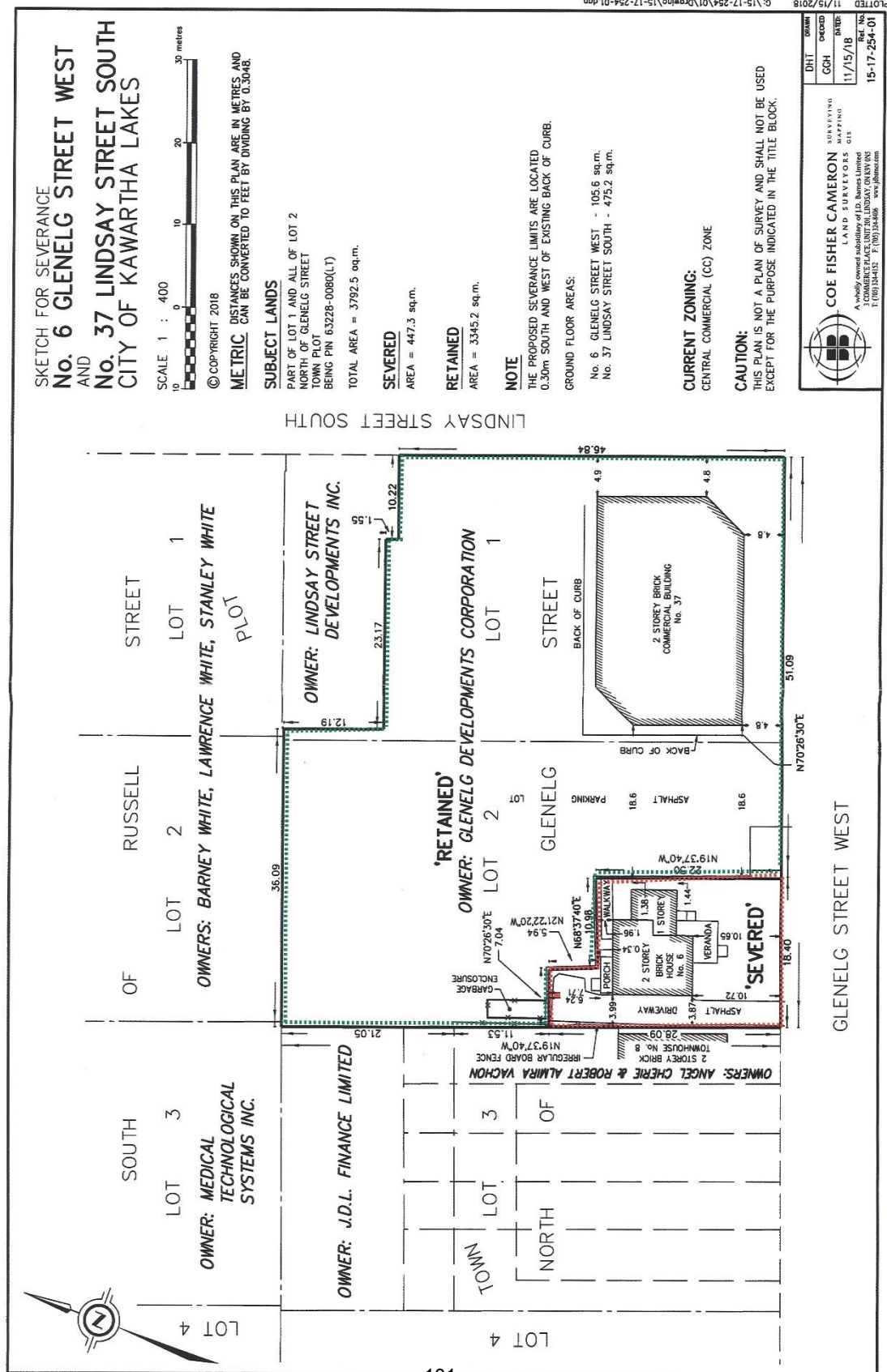




to

REPORT PLAN2020-040

FILE NO: D06-2020-008



to

REPORT PLAN2020-040FILE NO: D06-2020-008

## The Corporation of the City of Kawartha Lakes

### By-Law 2020 -

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

File D06-2020-008, Report PLAN2020-040, respecting Part Lot 2, North side of Glenelg Street, Town Plot, former Town of Lindsay, identified as 6 Glenelg Street West – Glenelg Developments Corporation

### 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 facilitate a lot severance by consent under Section 53 of the Planning Act to a portion of the property known municipally as 6 Glenelg Street West to permit a fourplex dwelling and home occupation use within a dwelling with site specific development standards on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

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

- 1.01 **Property Affected:** The portion of the Property affected by this by-law is described as Part Lot 2, North side of Glenelg Street, Town Plot, former Town of Lindsay, City of Kawartha Lakes, identified as 6 Glenelg Street West.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 9.3:

"9.3.19 RM1-S18 Zone

Notwithstanding the permitted uses and zone requirements of the RM1 zone, on land zoned RM1-S18, only a fourplex dwelling and a home occupation use within a dwelling are permitted subject to the following provisions:

- |   |                    |
|---|--------------------|
| a. Minimum lot area per dwelling unit     | 111 m <sup>2</sup> |
| b. Minimum lot frontage per dwelling unit | 4.5 m              |
| c. Minimum interior side yard setback     | 1.3 m              |
| d. Minimum rear yard setback              | 1.9 m              |
| e. Minimum number of parking spaces       | 5"                 |

- 1.03 **Schedule Amendment**: Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the Central Commercial (CC) Zone to the Residential Multiple One Special Eighteen (RM1-S18) Zone for the land referred to as 'RM1-S18', 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.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

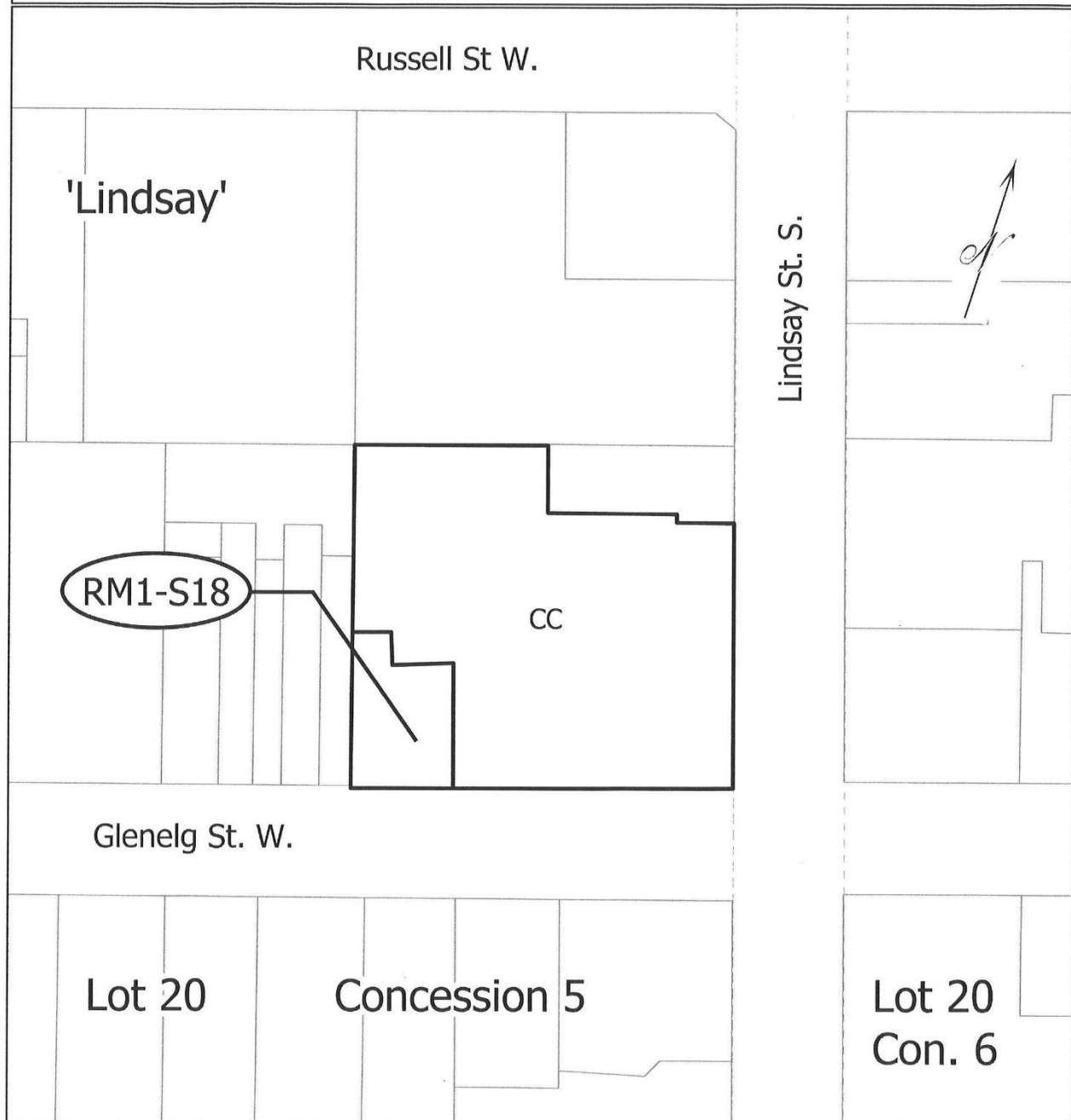
THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

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



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

## **Planning Advisory Committee Report**

**Report Number PLAN2020-041**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

**Title:** An application to amend the Township of Eldon Zoning By-law 94-14

**Description:** To change the Agricultural (A1) Zone to an Agricultural Exception (A1-\*\*) Zone to permit an accessory dwelling unit, on Part Lot 2 Concession 8, geographic Township of Eldon, 112 Kirkfield Road (Yates)

**Ward Number:** 4

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

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

**That** Report PLAN2020-041, respecting Part Lot 2 Concession 8, geographic Township of Eldon, Application D06-2020-015, be received;

**That** a Zoning By-law, respecting application D06-2020-015, substantially in the form attached as Appendix 'D' to Report PLAN2020-041 be approved for adoption by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

Proposal:	To rezone the subject land from the Agricultural (A1) Zone to the Agricultural Exception (A1-**) Zone. The effect of the zoning amendment would be to permit a second dwelling unit attached to the main single detached dwelling as an accessory dwelling unit on the property, which is accessory to a main permitted agricultural use.
Owners:	Warren and Anita Yates
Applicant:	William Yates
Legal Description:	Part Lot 2 Concession 8, geographic Township of Eldon
Official Plan:	"Prime Agricultural", and "Environmental Protection" with a Significant Woodland Natural Heritage Feature in the City of Kawartha Lakes Official Plan
Zoning	"Agricultural (A1) Zone" in the Township of Eldon Comprehensive Zoning By-law No. 94-14
Site Size:	149 acres (60.3 ha.) - MPAC
Site Servicing:	The lot is serviced by a private individual well and a private individual sewage disposal system, which will be shared with the proposed accessory dwelling unit.
Existing Uses:	Residential/Agricultural
Adjacent Uses:	North: Agricultural East: Sandhills Road/Agricultural South: Agricultural/Woodland West: Kirkfield Road/Agricultural

## Rationale:

The owner has applied to permit an accessory dwelling unit attached to the main single detached dwelling on the subject land. The subject lands are in a prime agricultural area northeast of the Village of Woodville and located between Woodville Road and Lorneville Road on the east side of Kirkfield Road and the west side of Sandhills Road. The existing single detached dwelling was built circa 1890 according to MPAC records. There are also a number of agricultural related outbuildings built over various years. The accessory dwelling unit is proposed to be attached to the east side of the existing single detached dwelling and will occupy an area of approximately 231 sq. m. (2485 sq. ft.).

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

1. Planning Letter prepared by William Yates and received February 19, 2020, outlines and explains the need for the proposal to assist with the farm operation and also to receive needed care.
2. Conceptual Lot Layout, prepared by Corner Post Building Solutions Inc., dated February 13, 2020 indicates the location of the existing single detached dwelling, barn and driveway as well as the location of the addition for the proposed accessory dwelling unit along with setbacks delineated.
3. Conceptual Lot Servicing Plan/Topographical Lot Diagram prepared by Lorne Bagshaw, dated January 2, 2020, illustrates the existing dwelling and proposed accessory dwelling unit addition and location of septic system and drilled well with setbacks and areas noted.
4. Preliminary Building Elevations, prepared by Corner Post Building Solutions Inc., dated February 13, 2020, illustrates the proposed elevations from each direction and also includes a proposed floor plan.

Staff has reviewed the Planning Letter and accepts the rationale provided for justifying the proposal.

The effect of this application is to permit a second dwelling unit on the property, which is accessory to a main permitted agricultural use. The applicant has indicated that the proposed second dwelling unit will be attached to the east side of the existing dwelling and will share the existing driveway access from Kirkfield Road and will share the existing well and septic system that services the main dwelling.

According to the application, the proposed accessory dwelling unit is for use by the parents of one of the existing farm owners to be present on the property to assist with the farm operation and also receive necessary care. The accessory dwelling unit will be tied to the existing dwelling through services as accessory to the main agricultural use.

### **Applicable Provincial Policies:**

The Planning Act, R.S.O. 1990, c.P.13, provides a framework for municipalities to require policies within their Official Plans which support second units to be implemented through municipal Zoning By-laws. Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas typically contained either within an existing main dwelling or within part of a building or structure (i.e. garage) ancillary to the main dwelling.

### **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.

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

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.

Based on the information submitted, the application conforms to the policies of the 2019 Growth Plan.

### **Provincial Policy Statement, 2020 (PPS):**

The 2020 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.

Section 2.3 applies as the proposed second dwelling unit residential use on the subject property, which is currently zoned for agricultural purposes, is within a prime agricultural area. In prime agricultural areas, permitted uses are limited to agricultural, agriculture-related and on-farm diversified uses. Other uses must be directed to settlement areas or rural lands. An agricultural use is the primary use in prime agricultural areas and by definition includes the growing of crops, raising of livestock and raising of other animals for fur, food or fibre amongst other things and includes associated on-farm buildings and structures used by the farm operator that are integral to the farm operation and include livestock barns, manure storages, feed storages, silos, farm implement buildings and drivesheds, a primary residential dwelling and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

In addition to the existing single detached farm dwelling, the subject land has a number of associated on-farm buildings. The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has provided Guidelines on Permitted Uses in Prime Agricultural Areas (Publication 851) which discourage new separate permanent dwellings for farm help and suggest alternatives such as a second dwelling unit within an existing building on the farm, a temporary structure, such as a trailer or other portable dwelling unit or utilizing an existing dwelling on a parcel of land that is part of the extended farm operation, or located in a nearby settlement area or on a rural lot. Given the accessory dwelling unit will be attached to the main dwelling, there will be no negative impact on agricultural land and production.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. Significant Woodland has been mapped on the easterly portion of the subject land; however, the proposed development is significantly more than 120 metres from this Natural Heritage Feature. It would also appear that the proposed location of the second dwelling unit is outside the Kawartha Conservation (KRCA) regulated area. The KRCA previously advised based on comments obtained through pre-consultation that the proposed location of the second dwelling unit is outside their regulated area and would not require a permit and also outside of natural features and hazards including a watercourse, unevaluated wetlands, and significant woodlands and flooding and unstable soils on the property. Therefore, it is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

Based on the above, it would appear that the application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan with a Significant Woodland Natural Heritage Feature located on the westerly portion of the subject land. The Environmental Protection designation follows a watercourse traversing across a portion of the property. The proposed addition of a second dwelling unit will be located outside the environmental designated area. Agricultural land impacts are minimized as the proposed second dwelling unit will be attached to the existing farmhouse dwelling in an area not currently used for agricultural use and will also share well water and septic services with the existing dwelling. As such, no future severance of the new dwelling unit is possible.

The Prime Agricultural policies promote and protect prime agricultural lands from fragmentation and non-farm activities to ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas. Permitted uses within this designation include agricultural uses, agriculture-related uses, single detached dwellings accessory to the other permitted uses, garden suites, and secondary uses including kennels and agri-business uses meeting certain criteria. Through preconsultation, it was determined that an accessory dwelling unit is considered an accessory use to the existing dwelling. Therefore, an Official Plan amendment is not required. In addition, this second dwelling unit would be considered accessory to the agricultural use.

Furthermore, the Prime Agricultural policies require that all farm and non-farm development comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities

and development. Although MDS calculations were not submitted by the applicant, the Building Division did review existing MPAC data and GIS spatial information to calculate that MDS setbacks are met for Type 1 land uses in relation to the existing barns within the review area, which complies with these requirements.

In consideration of the above, it would appear that this proposal would conform to the policies of the City of Kawartha Lakes Official Plan.

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

In order to permit the proposed use, a rezoning application has been submitted for consideration to add a second dwelling use to the Agricultural (A1) Zone of the Township of Eldon Zoning By-law 94-14 for the subject land. The existing provisions in the (A1) Zone do not permit a second dwelling unit in this configuration. If the application is approved, a second dwelling unit would be permitted in accordance with the implementing Zoning By-law, as an accessory dwelling unit attached to and sharing water and septic services with the main dwelling unit.

### **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 would align with the vibrant and growing economy and exceptional quality of life goals as it provides support for the farming operation and provides housing options to supply affordable housing.

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

There are no accessibility implications for the City.

## **Servicing Comments:**

The lot is currently serviced by a private individual well and a private sewage disposal system, which will be shared with the proposed attached accessory dwelling. The Building Division Part 8 Sewage Systems Program has reviewed the submitted Conceptual Lot Servicing Plan/Topographical Lot Diagram and is satisfied with the servicing arrangement.

## **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:**

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

### **Agency Review Comments:**

On August 12, 2020, the Building Division advised they have no concerns with the application.

On August 17, 2020, Development Engineering advised they have no objection or comments with respect to the proposed Zoning By-law Amendment.

On August 20, 2020, the Community Services Department advised they have no concerns or comments with the application.

On August 21, 2020, the Part 8 Sewage Systems Supervisor advised there were no concerns with the proposal.

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

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment will appropriately facilitate the construction of a residential accessory dwelling unit on the property, which would be considered accessory to the agricultural use.

## **Conclusion:**

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully

recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

### **Attachments:**

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



Appendix 'A'  
PLAN2020-041.pdf



Appendix 'B'  
PLAN2020-041.pdf



Appendix 'C'  
PLAN2020-041.pdf



Appendix 'D'  
PLAN2020-041.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C' – Zoning By-law Amendment Sketch

Appendix 'D' – Draft Zoning By-law Amendment

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

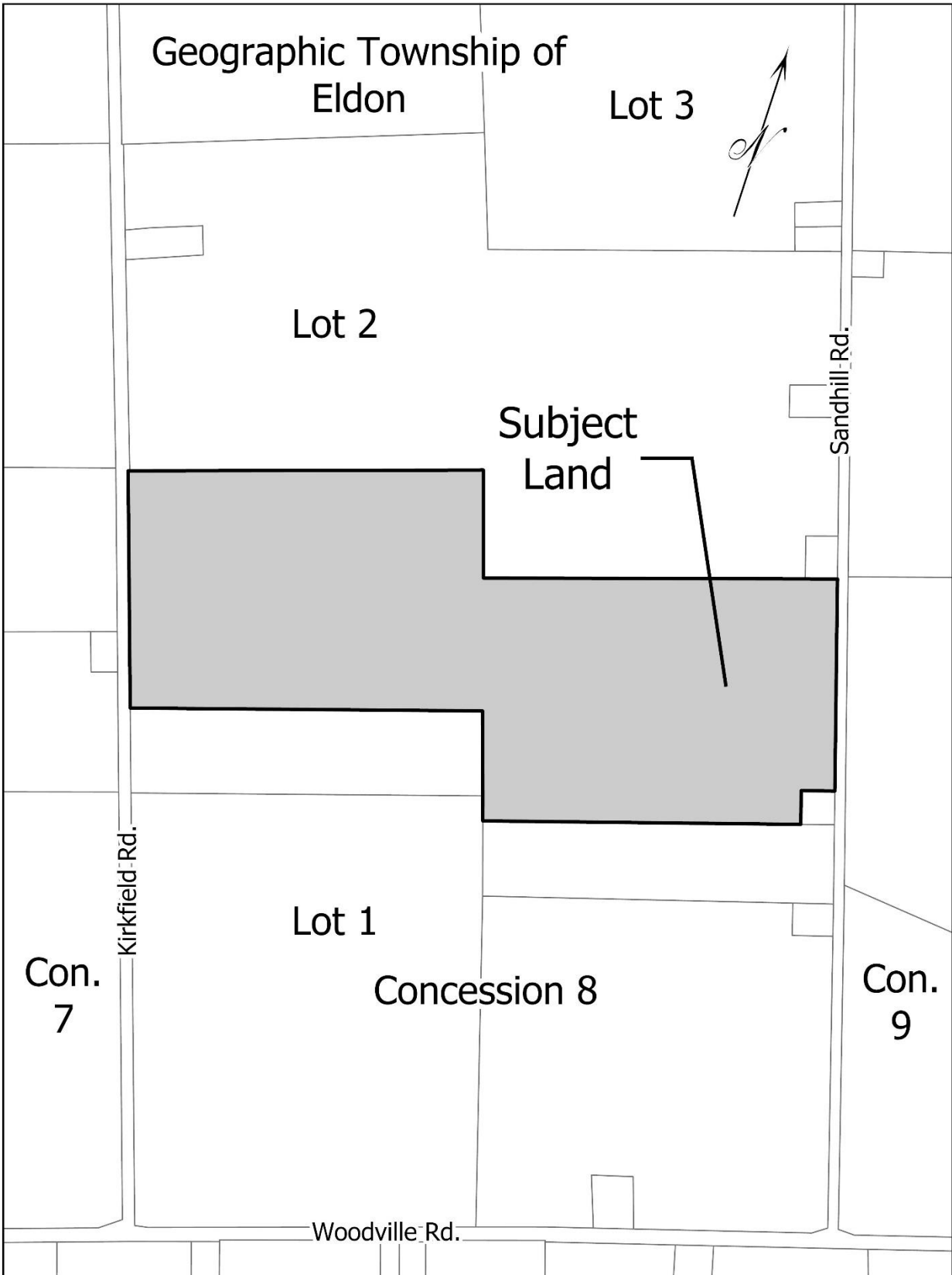
**Department Head:** Chris Marshall

**Department File:** D06-2020-015

to

REPORT PLAN2020-041

FILE NO: D06-2020-015





**Legend**

- Property Roll Number
- Property PIN
- Lots and Concessions
- Deer Wintering Area
- Water Body
- Waterbodies
- Unevaluated Wetlands
- Woodland
- CKL\_River\_Buff15m
- Prime\_Agricultural
- Road Centreline (2016 Needs)
- Upper Municipalities
- Lower Tier Municipalities
- KRCA Regulated Areas

**APPENDIX " B "**

to

REPORT PLAN2020-041

FILE NO: D06-2020-015

**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

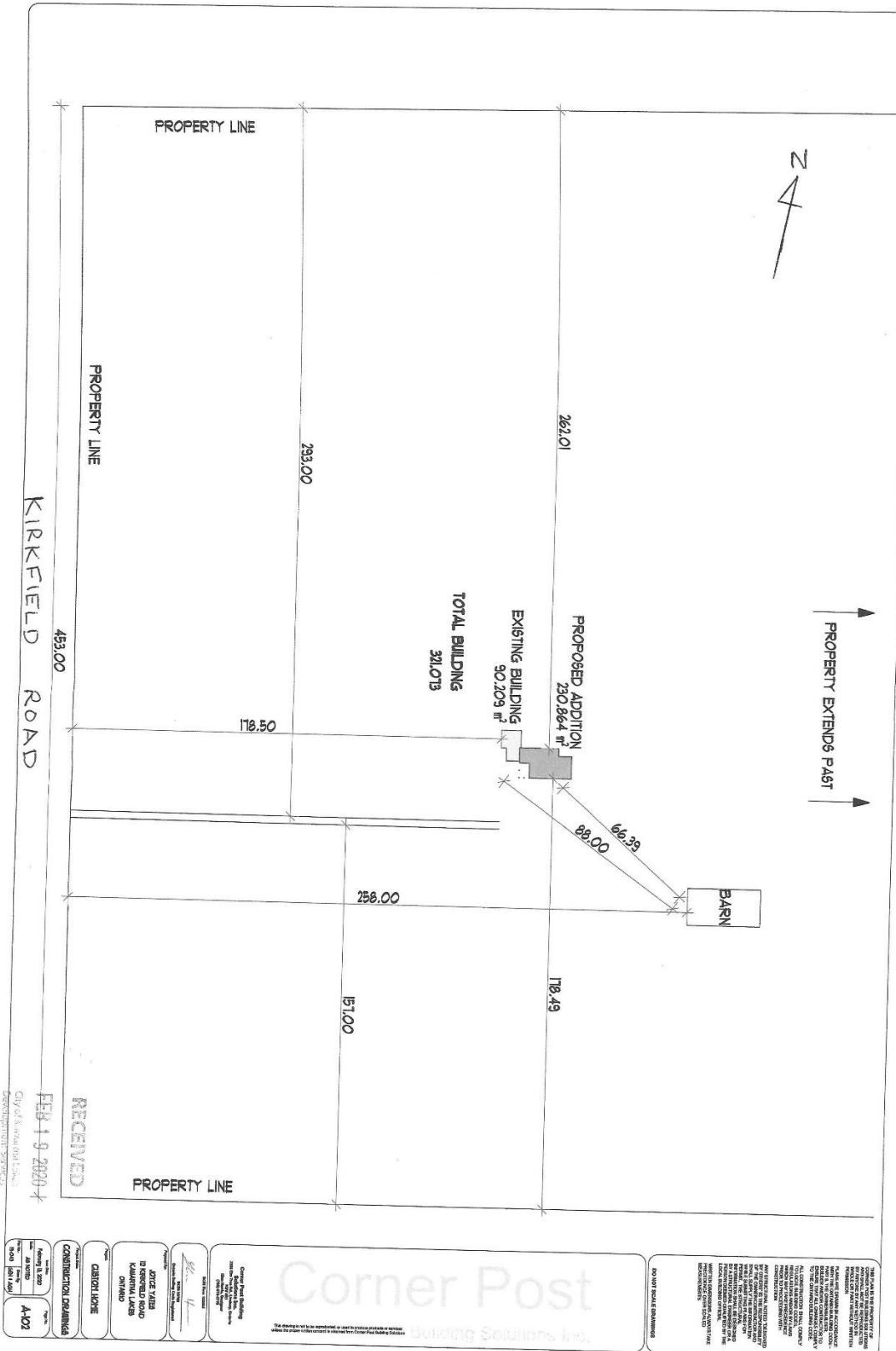
**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

APPENDIX " C "

to

REPORT PLAN2020-041

FILE NO: D06-2020-015



**The Corporation of the City of Kawartha Lakes**  
**By-Law 2020 -**

**A By-Law To Amend The Township of Eldon Zoning By-Law No. 94-14  
To Rezone Land Within The City Of Kawartha Lakes**

File D06-2020-015, Report PLAN2020-041, respecting Part Lot 2 Concession 8, geographic Township of Eldon, identified as 112 Kirkfield Road – Yates

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the use of the land for a second dwelling unit attached to the existing farmhouse as an accessory dwelling unit.
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 2 Concession 8, geographic Township of Eldon, City of Kawartha Lakes, and identified as 112 Kirkfield Road.
- 1.02 **Textual Amendment:** By-law No. 94-14 of the Township of Eldon is further amended to add the following section to Section 7.3:  
  
"7.3.32 AGRICULTURAL EXCEPTION THIRTY-TWO (A1-32) ZONE  
  
7.3.32.1 In addition to the uses permitted in Section 7.1, on lands zoned A1-32, a second dwelling unit attached to the existing detached dwelling as an accessory dwelling unit is also permitted."  
  
1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 94-14 of the Township of Eldon is further amended to change the zone category from the Agricultural (A1) Zone to the Agricultural Exception Thirty-Two (A1-32) Zone for the land referred to as 'A1-32', 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.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

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

