

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2021-02

Wednesday, February 10, 2021

Electronic Public Participation - Meeting Commences at 1:00pm

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

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

As no public access to Council Chambers is permitted, members of the public are invited to watch the meeting live on YouTube at www.youtube.com/c/CityofKawarthaLakes

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1.	PLAN2021-003	5 - 21
	<p>Amend the Town of Lindsay Official Plan and Town of Lindsay Zoning By-law 2000-75 together with a Draft Plan of Subdivision at 331 Logie Street, Lindsay – Lepha Properties Inc. and City of Kawartha Lakes Ian Walker, Planning Officer - Large Developments</p>	
3.1.1.	Public Meeting	
3.1.2.	Business Arising from the Public Meeting	
	<p>That Report PLAN2021-003, Part of Lot 18, Concession 6, Former Town of Lindsay, Lepha Properties Inc. and City of Kawartha Lakes – Applications D01-2021-001, D06-2021-001 and D05-2021-001, be received; and</p> <p>That PLAN2021-003 respecting Applications D01-2021-001, D06-2021-001 and D05-2021-001 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.</p>	
3.2.	PLAN2021-004	22 - 34
	<p>Amend the Township of Mariposa Zoning By-law 94-07 at 151 Peniel Road, Part of Lot 3, Concession 12, geographic Township of Mariposa – Hamilton David Harding, Planner II</p>	
3.2.1.	Public Meeting	

3.2.2. Business Arising from the Public Meeting

That Report PLAN2021-004, Part of Lot 3, Concession 12, geographic Township of Mariposa, City of Kawartha Lakes, identified as 151 Peniel Road, Hamilton – D06-2020-030, be received;

That a Zoning By-law Amendment respecting application D06-2020-030, substantially in the form attached as Appendix D to Report PLAN2021-004, 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.

3.3. **PLAN2021-005**

35 - 46

Amend the Township of Emily Zoning By-law 1996-30 at 833 Pigeon Lake Road - Gingrich
Mark LaHay, Planner II

3.3.1. Public Meeting

3.3.2. Business Arising from the Public Meeting

That Report PLAN2021-005, Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, Gingrich – D06-2020-029, 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.

4. **Deputations**

5. **Correspondence**

6. **Regular and Returned Reports**

6.1. **PLAN2021-006**

47 - 77

Amend the Village of Bobcaygeon Zoning By-law 16-78 together with a Draft Plan of Condominium at 7-27 Lakewood Crescent – Port 32 Inc.
Mark LaHay, Planner II

That Report PLAN2021-006, respecting **Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, Port 32 Inc. – Applications D06-17-028 & D04-17-001**, be received;

That the Draft Plan of Condominium and Conditions for Draft Plan of Condominium for file D04-17-001 (16CD-17501), substantially in the form attached as Appendix D to Report PLAN2021-006 be referred to Council for approval and adoption;

That a Zoning By-law, respecting application D06-17-028, substantially in the form attached as Appendix E to Report PLAN2021-006 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.

6.2.

ENG2021-005

78 - 86

Assumption of Churchdown Mews Subdivision, Lindsay
Christina Sisson, Supervisor of Development Engineering

That Report ENG2021-005, **Assumption of Churchdown Mews Subdivision, Lindsay**, be received;

That the Assumption of Churchdown Mews Subdivision, Geographic Town of Lindsay, be approved;

That an Assumption By-Law, substantially in the form attached as Appendix A, to Report ENG2021-005 be approved and adopted by Council; and

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

7.

Adjournment

Planning Advisory Committee Report

Report Number: PLAN2021-003

Meeting Date: February 10, 2021

Title: Amend the Lindsay Official Plan and Zoning By-law 2000-75 together with a Draft Plan of Subdivision at 331 Logie Street, Lindsay – Lepha Properties Inc. and City of Kawartha Lakes

Description: Applications to amend the Town of Lindsay Official Plan and Zoning By-law, together with a Draft Plan of Subdivision (16T-21501) to permit a residential plan of subdivision consisting of 1 block for 45 townhouse dwelling units to allow the redevelopment of the properties identified as 331 Logie Street and Vacant Land on Logie Street, Lindsay

Type of Report: Public Meeting

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

Recommendations:

That Report PLAN2021-003, **Part of Lot 18, Concession 6, Former Town of Lindsay, Lepha Properties Inc. and City of Kawartha Lakes – Applications D01-2021-001, D06-2021-001 and D05-2021-001**, be received; and

That PLAN2021-003 respecting Applications D01-2021-001, D06-2021-001 and D05-2021-001 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted applications for a draft plan of subdivision, an official plan amendment, and zoning by-law amendments for the properties identified as 331 Logie Street, and Vacant Land on Logie Street in Lindsay. The proposal is to permit a 45 unit two storey townhouse development by:

- a) Changing the land use designation on the eastern property from the 'Parks and Open Space' designation to the 'Residential' designation; and
- b) Changing the zone category from the 'Parks and Open Space (OS) Zone' on the eastern property and from the 'Residential Two Special Thirteen Holding One [R2-S13(H1)] Zone' on the western property, to a 'Residential Multiple One Special ** (RM1-S**) Zone' for both properties, which will be consolidated into one property.

The draft plan of subdivision will allow the future division of the townhomes and their respective 'parcels of tied land' (referred to as 'lots') to be completed by using the Part Lot Control provision of the Planning Act, which allows them to be sold separately without requiring consent applications to create each lot. The applicant attended a Preconsultation meeting with the City in November of 2018, and first submitted these applications in November of 2020. All items were received and the applications deemed complete on December 18, 2020.

Owners: 331 Logie Street – Lepha Properties Inc. c/o Ken Sherwood and Jason Johansen; and

Vacant Land – City of Kawartha Lakes c/o Realty Services

Applicant: KLM Planning Partners Inc. c/o Ryan Mino Leahan

Legal Descriptions: 331 Logie Street – 57R-3509 Part 1, 57R-10306 Part 1; Part of Lot 18, Concession 6, Geographic Township of Ops, Former Town of Lindsay; and

Vacant Land – 57M-797 Block 74; Part of Lot 18, Concession 6, Geographic Township of Ops, Former Town of Lindsay

Designation: 'Residential' and 'Parks and Open Space' on Schedule 'A' of the Town of Lindsay Official Plan. The land is identified as fronting on a Collector Road on Schedule 'C' – Transportation Network

Zone: 'Residential Two Special Thirteen Holding One [R2-S13(H1)] Zone' and 'Parks and Open Space (OS) Zone' on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75

Lot Area: 1.46 hectares [3.61 acres] including both properties

Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Low Density Residential; Former Logie Street; Vacant Land
Adjacent Uses:	North: Logie Street Park; Scugog River
	East: Logie Street; Low Density Residential
	South: Logie Street; Vacant Community Facility; Lindsay Golf and Country Club
	West: Logie Street Park; Logie Street

Rationale:

The properties are located on the north and west side of Logie Street, at the bend where it turns and runs to the northeast, parallel to the Scugog River, bounded by the Logie Street Park on the north, in the southeast quadrant of Lindsay. See Appendix 'A'. The subject property is located in a mixed use area with a mix of single detached and townhouse dwellings on the east side of Logie Street; vacant lands to the immediate south; limited commercial uses (IG Wealth Management office and a motel) along Lindsay Street South; and the recently renovated Logie Street Park to the north. See Appendix 'B'.

The consolidated property consists of approximately 1.46 hectares, and contains two buildings currently occupied by the Liberty Baptist Church; a natural gas easement which traverses the property through the former Logie Street right-of-way; and a large sodded berm. The applicant is applying on behalf of the owners to re-designate one of the properties and rezone both properties to permit a 45 unit freehold townhouse complex development, fronting on two private condominium roads. The existing buildings will be demolished, and the large berm will be removed and regraded. The current proposed townhouse concept consists of eight (8) blocks of townhomes, ranging from 4 units to 8 units per building. Each townhouse would have its own driveway, and the common elements consist of 12 visitor parking spaces; a water meter room; a stormwater management facility and two private roads with associated sidewalks. Site specific development standards such as lot area, frontage, setbacks, and lot coverage are also proposed, which would be addressed through a site-specific exception zone. 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 Justification Report prepared by KLM Planning Partners Inc., dated November 2020. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the Town of Lindsay Official Plan, the Council adopted and appealed Lindsay Secondary Plan, and the Town of Lindsay Zoning By-law 2000-75.
2. Draft Official Plan and Zoning By-law Amendments prepared by KLM Planning Partners Inc., dated November 2020.
3. Proposed Concept Site Plan prepared by Cassidy + Company, dated August 12, 2020.
4. Conceptual Elevations prepared by Cassidy + Company, dated October 28, 2020.
5. Urban Design Brief prepared by KLM Planning Partners Inc., dated November 2020. The report discusses the context of the proposal based on site and neighbourhood, architectural design principles, etc.
6. Hydrogeological Assessment and Water Balance Report prepared by Grace & Associates Inc., dated October 18, 2020. The report examines the existing soil and subsurface conditions relating to infiltration of water on the site.
7. Geotechnical Review of Large Fill Stockpile prepared by AME Materials Engineering, dated October 2020. The report examines and assesses the geotechnical suitability of the existing stockpiled material for reuse on the site.
8. Geotechnical Investigation Update prepared by AME Materials Engineering, dated October 2020. The report examines the subsurface conditions and provides recommendations for the building foundations.
9. Functional Servicing Report prepared by Engage Engineering Ltd., dated October 2020. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
10. Stormwater Management Report prepared by Engage Engineering Ltd., dated October 2020. The report discusses and assesses the proposed stormwater measures to ensure that post development flows are maintained to pre-development levels while maintaining quality control.
11. Soil Characterization of Stockpiled Fill – East Block prepared by Grace & Associates Inc., dated October 2, 2020. The report examines and assesses the physical and chemical quality of the soil.
12. Phase 1 Environmental Site Assessment Report prepared by Grace & Associates Inc., dated June 27, 2019, last updated February 10, 2020. The report discusses and assesses the historical uses on and around the property.

13. Phase 2 Environmental Site Assessment Report prepared by Grace & Associates Inc., dated October 14, 2020. The report discusses and assesses the results of soil samples taken from the property.
14. Environmental Impact Study prepared by Grace & Associates Inc., dated October 21, 2020. The report summarizes the results of a site investigation and analysis to determine the potential impacts to any natural heritage features on or within 120 metres of the subject property.
15. Traffic Impact Study prepared by Tranplan Associates Inc., dated August 2020. The report discusses and assesses the proposal in context of any improvements required for the Logie Street and Lindsay Street South intersection, and the proposed entrance.
16. Stage 1 & 2 Archaeological Assessment Report prepared by Earthworks Archaeological Services Inc., dated August 15, 2017. The report examines the potential for archaeological material to exist on the subject property.
17. Topographic Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated May 5, 2020.
18. Draft Plan of Subdivision prepared by KLM Planning Partners Inc., dated May 25, 2020.

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

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (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 policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

This proposal involves 2 properties: the westerly property at 331 Logie Street is subject to Section 2.2.2 – Delineated Built-Up Areas; and the easterly property, Vacant Land on

Logie Street is subject to Section 2.2.7 – Designated Greenfield Areas. The City of Kawartha Lakes 2011 Growth Management Strategy (GMS) requires that 30% of intensification built annually be within the built boundary, while the portion of the lands in the Greenfield Area are required to meet a density of not less than 40 residents and jobs per hectare, measured over the entire Greenfield Area.

The applicant has submitted the appropriate technical reports for consideration and review. Through the appropriate revisions to the technical reports and plans, conformity with the policies of the Growth Plan should be demonstrated.

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.

Section 1.1.1 outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 provides direction to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;

- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- d) prepare for the impacts of a changing climate;
- e) support active transportation.

Section 1.1.3.3 directs Planning authorities to identify locations and promote opportunities to accommodate a significant supply and range of housing options through intensification and redevelopment in taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development for intensification and redevelopment occupies a brownfield site and will utilize existing municipal infrastructure.

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

- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities in areas where it exists or is to be developed.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. Section 1.6.6.1 provides that planning for sewage and water services shall:

- a) Accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage and water services;
- b) Ensure that these systems are provided in a manner that can be sustained by the water resources on which they rely, prepare for the impacts of a changing climate, are feasible and financially viable, and protect human health and safety, and the natural environment.

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.

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 human-made hazards (Section 3).

The applicant has submitted the appropriate technical reports for consideration and review. Subject to confirmation from the relevant Departments and Agencies and through the appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be demonstrated.

Trent Source Protection Plan (TSPP):

The property is located within the Kawartha-Haliburton source protection area. The property is located within the Lindsay Surface Water Intake Protection Zones 1 and 2 (IPZ-1 and IPZ-2). Therefore, the applicant was required to obtain a Section 59. (2) Notice under the Clean Water Act (2006), prior to submission of these applications. A Notice will be required to be issued by the Risk Management Official (RMO) at each stage of development (eg. Site Plan, Building, etc.), before the City can deem any respective application(s) complete.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the entire subject property within the Urban Settlement Boundary of Lindsay. The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Local Planning Appeal Tribunal (LPAT). The entirety of the lands were designated 'Residential' in the Council adopted LSP.

Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'Residential' (331 Logie Street) and 'Parks and Open Space' (Vacant Land on Logie Street) on Schedule 'A' of the Lindsay Official Plan. The applicant has requested an amendment to change the 'Parks and Open Space' designation to the 'Residential' designation, which would permit a variety of dwelling types, subject to the low, medium and/or high density policies. The built form and density of the development would be determined through the site-specific zoning assigned to the property, based on the uses, setbacks, lot coverage, etc. in accordance with the following:

- a) Low Density: Single or semi-detached dwellings; duplexes; low profile residential not exceeding 2.5 storeys. Maximum density of 25 dwelling units per hectare
- b) Medium Density: Triplex, fourplex, townhouse dwellings; walk-up apartments; medium profile residential not exceeding 4 storeys. Maximum density of 62 dwelling units per hectare

- c) High Density: Residential apartment buildings and other residential buildings in excess of 4 storeys height. Maximum density of 125 dwelling units per hectare

The proposal generally adheres to the criteria for medium density development, such as maintaining density, height and character in keeping with adjacent uses, and having direct access onto a Collector road. However, there are a number of background studies which have been submitted to the City which are currently subject to review, to verify the development will conform with Policy 4.1.2.2 a) through h) of the Lindsay Official Plan. The proposal would consist of a density of 30.84 dwelling units per hectare. The land fronts Logie Street which is identified as a Collector Road on Schedule 'C' – Transportation Network mapping in the Lindsay Official Plan. In accordance with Section 4.1.2.2, a Functional Servicing Report and Stormwater Management Report have been submitted to address Policy d); and a Traffic Impact Study has been submitted to address Policy h). This proposal will be subject to site plan control, which will address details such as dwelling siting, walkway placements, landscaping, etc.

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

Zoning By-Law Compliance:

The properties are zoned 'Residential Two Special Thirteen Holding One [R2-S13(H1) Zone' and 'Parks and Open Space (OS) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant has requested to change the zone category to a 'Residential Multiple One Special ** (RM1-S**) Zone' to permit townhouse units to be constructed. The Special provision would permit for site-specific development standards, such as a decrease in the minimum lot area, front yard setback, exterior side yard setback abutting a private street, interior side yard setback, rear yard setback; an increase in the maximum lot coverage and parking requirement; and exemption from the provisions of 9.2 (i) and 5.14 (e), as follows:

Zone Standard:	'RM1' Zone:	Proposed 'RM1-**' Zone:
Minimum Lot Area	185 square metres	160 square metres
Minimum Front Yard Setback	7.5 metres	5.5 metre

Zone Standard:	'RM1' Zone:	Proposed 'RM1-**' Zone:
Minimum Exterior Side Yard Setback to a Private Street, Aisle or Driveway	4.0 metres	3.0 metres
Minimum Interior Side Yard Setback	3.5 metres	1.2 metres
Minimum Rear Yard Setback	7.5 metres	6.5 metres
Maximum Lot Coverage for All Buildings	35%	55%
General Provisions for Accessory Buildings – Water Meter Room	Applicable – Side or Rear Yard Only, Subject to Setbacks	Erected in Any Yard – Subject to Setbacks: 5.5 m. Front Yard 1.25 m. Rear Yard 1.25 m. Interior Side Yard 4.0 m. Exterior Side Yard
Parking Requirements	1.1 Per Dwelling Unit Plus .25 Per Dwelling Unit For Exclusive Use Of Visitors	2 Per Dwelling Unit Plus 0.25 Per Dwelling Unit For Visitors
9.2 (i) – Maximum gross floor area as a % of lot area	Applicable	Not Applicable
5.14 (e) – All parking lots situated in a rear and/or side yard shall provide a landscaped strip of a minimum width of 1.8 m around the parking lot	Applicable	Not Applicable
Definition: Water Meter Room	Not Applicable	A non-habitable building which houses water meters and related equipment for surrounding dwelling units.

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

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

These applications align with the Healthy Environment priority by protecting the municipal water drinking source and promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality; and align with the Exceptional Quality of Life priority by encouraging a new development which provides new housing stock, of which a portion may be available for affordable initiatives.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments and/or the Draft Plan Approval request 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.

Servicing Comments:

Full urban municipal services, including water, sanitary sewer and storm sewer are proposed. The Functional Servicing and Stormwater Management Reports have been circulated to the Engineering and Corporate Assets Department for review and comment. The report advises that the subject lands are serviceable with sufficient capacity within the existing municipal infrastructure; however, this will need to be confirmed by the City's Engineering and Corporate Assets and Public Works – Water and Wastewater Departments.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of the properties; and a sign was posted on the property. As of January 29, 2021, we have received the following comments:

Public Comments:

Comments and inquiries were received from residents P. Webber, J. Wallace, W. Lane, and P. Dunn. Noted concerns included:

- Removal of a portion of lands currently designated as park space;
- A reduction in the value of the properties within the existing development to the east;
- If the units are being constructed as affordable housing (geared to income or rental accommodation);
- The tenure of ownership (freehold or condominium);
- The impacts to traffic in the area and at the intersection of Lindsay Street South; and
- Potential for environmental issues to arise.

The public comments that were received have been forwarded to the applicant and/or City Departments for review.

Agency Review Comments:

January 27, 2021 The Building Division has no concerns with the applications.
Comments will be reserved to site plan circulation.

Development Services – Planning Division Comments:

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

Conclusion:

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

Attachments:

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

Appendix A – Location Map



PLAN2021-003
Appendix A.pdf

Appendix B – 2018 Air Photo of Property and Surrounding Neighbourhood



PLAN2021-003
Appendix B.pdf

Appendix C – Proposed Site Concept Plan, dated August 12, 2020



PLAN2021-003
Appendix C.pdf

Appendix D – Proposed Concept Elevations, dated October 28, 2020

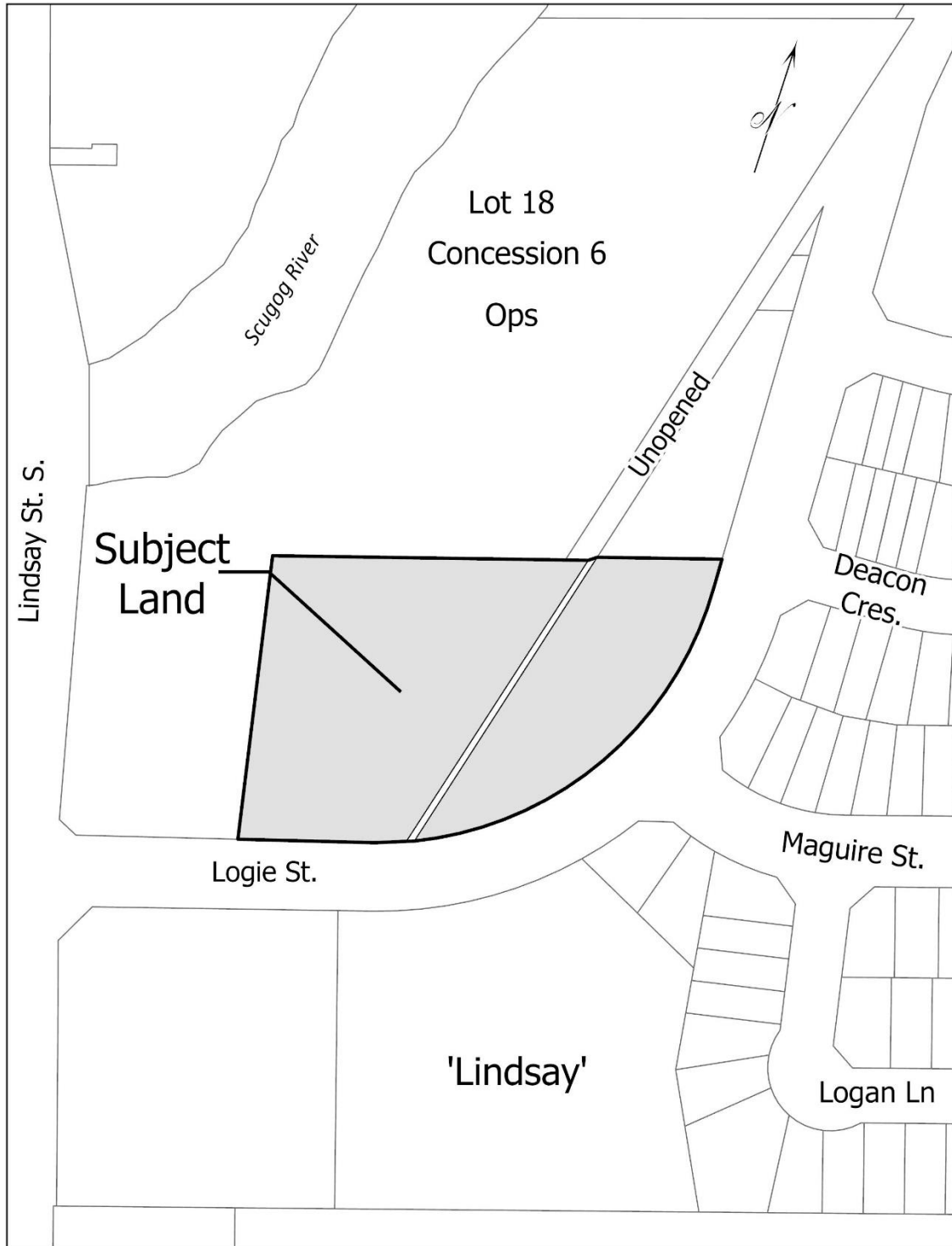


PLAN2021-003
Appendix D.pdf

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2021-001, D06-2021-001 and D05-2021-001



2018 Air Photo

Appendix " B "
to
Report PLAN2021-003
File No: D01-2021-001,
D06-2021-001
& D05-2021-001



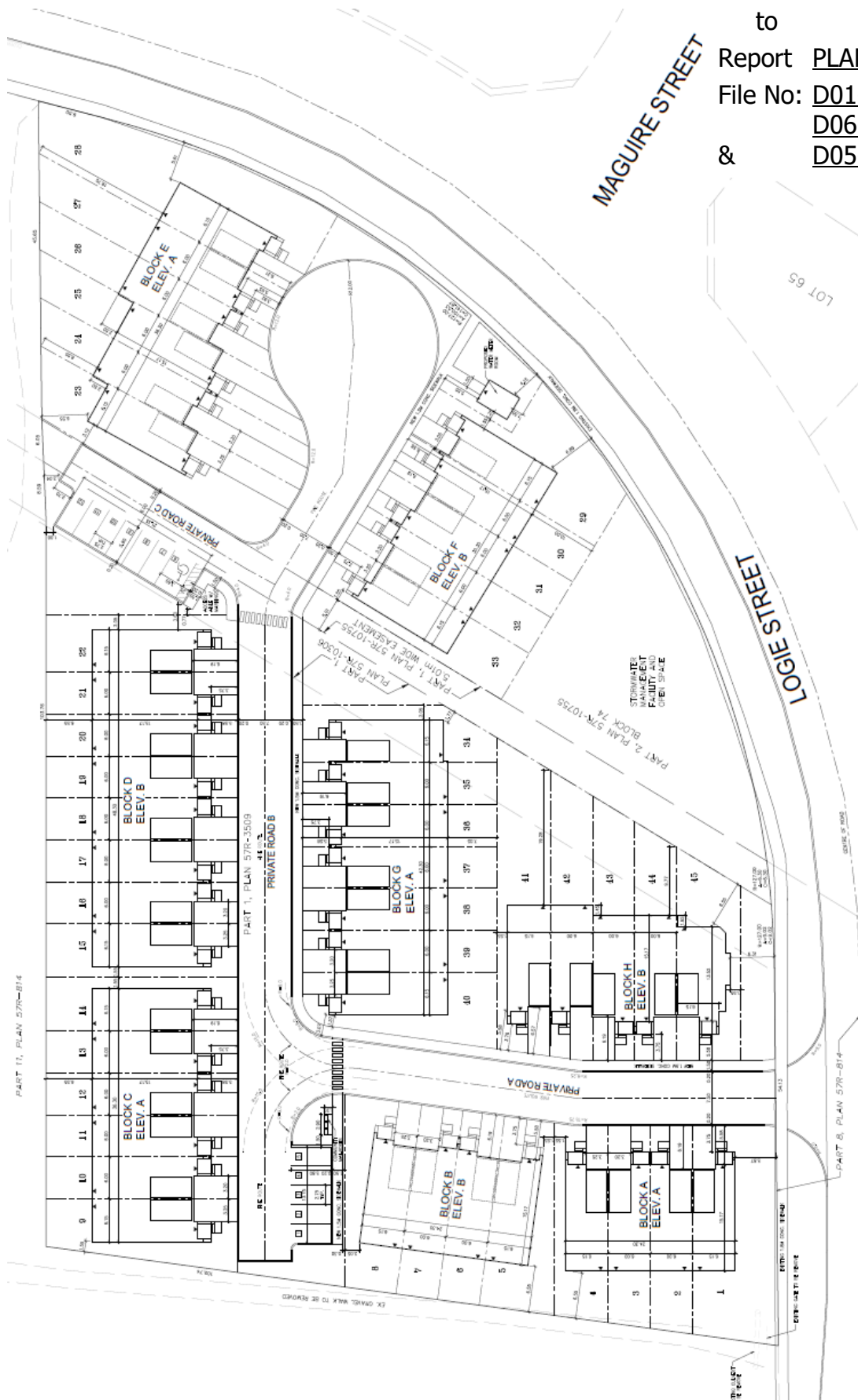
Appendix " C "

to

Report PLAN2021-003

File No: D01-2021-001,
D06-2021-001
D05-2021-001

&

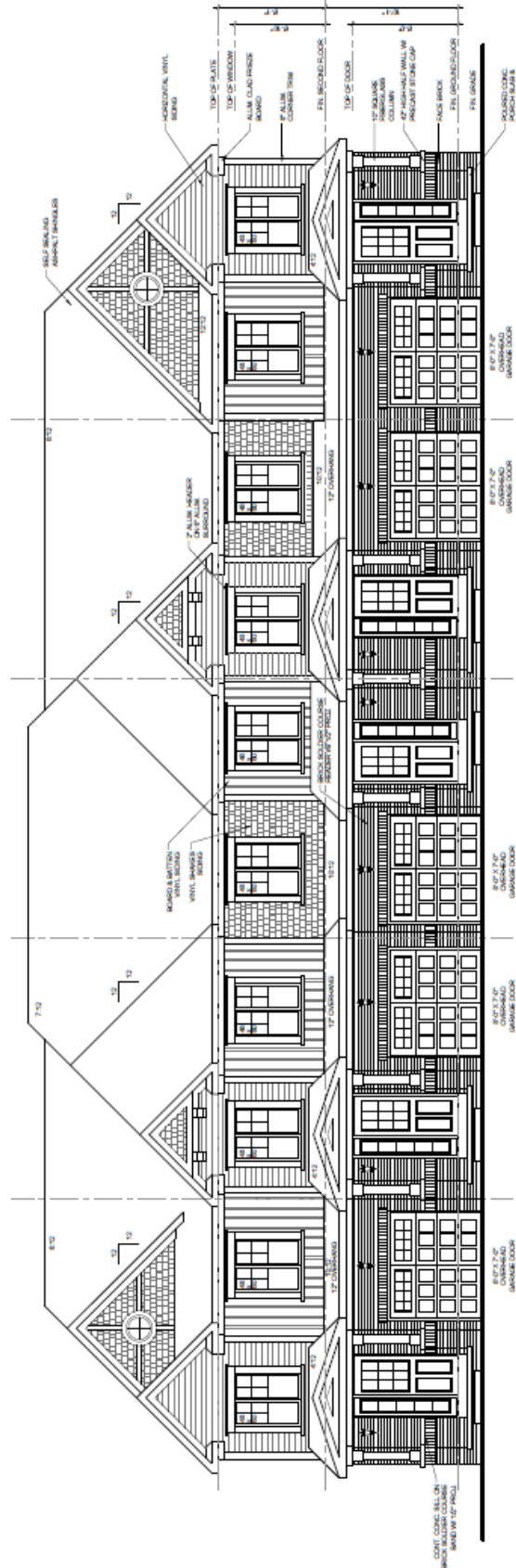


Appendix " D "

to

Report PLAN2021-003

File No: D01-2021-001,
D06-2021-001
 & D05-2021-001



CONCEPTUAL FRONT ELEVATION 'A'

PROPOSED RESIDENTIAL COMMON ELEMENT TOWNHOUSE DEVELOPMENT

331 LOGIE STREET

TOWN OF LINDSAY, CITY OF KAWARTHA LAKES

Planning Advisory Committee Report

Report Number:	PLAN2021-004
Meeting Date:	February 10, 2021
Title:	Amend the Mariposa Zoning By-law 94-07 at 151 Peniel Road, Part of Lot 3, Concession 12, geographic Township of Mariposa – Hamilton
Description:	Application #: D06-2020-030 – To rezone a portion of the land for residential use and rezone the agricultural land to prohibit residential use
Type of Report:	Public Meeting
Author and Title:	David Harding, Planner II, RPP, MCIP

Recommendation:

That Report PLAN2021-004, Part of Lot 3, Concession 12, geographic Township of Mariposa, City of Kawartha Lakes, identified as 151 Peniel Road, "Hamilton – D06-2020-030", be received;

That a Zoning By-law Amendment respecting application D06-2020-030, substantially in the form attached as Appendix "D" to Report PLAN2021-004, be approved and adopted by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property is an agricultural lot that contains a single detached dwelling and some outbuildings. The owners sought to sever the dwelling along with an implement shed from the balance of the agricultural land. On May 1, 2020, the Director of Development Services granted provisional consent to application D03-2019-034 to sever an approximately 0.51 hectare (1.26 acres) rural residential lot and retain approximately 39.65 hectares (97.98 acres) of agricultural land to be consolidated with other non-abutting lands owned by the farming operation. The agricultural buildings on the retained lands will be demolished. The land to be severed has since been surveyed is slightly smaller than originally proposed. The area reduction has no impact on the consent application. The new property area is noted in the site size below.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use. To further clarify how the lot containing the dwelling is to be used and permit a residential accessory building that is larger than what is typically permitted, said lot is also being rezoned to a rural residential zone category.

Owners:	Ronald and Lynda Hamilton	
Legal Description:	Part Lot 3, Concession 12, geographic Township of Mariposa	
Official Plan:	'Prime Agricultural' within the City of Kawartha Lakes Official Plan 2012	
Zone:	'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' in the Township of Mariposa Zoning By-law 94-07, as amended	
Site Size:	Severed – 0.4827 hectares (1.19 acres) Retained – 39.67 hectares (98.04 acres)	
Site Servicing:	Severed – Private individual well and sewage system Retained – None	
Existing Uses:	Forest, Wetland, Agriculture	
Adjacent Uses:	North, West:	Agriculture, Forest, Wetland
	South:	Agriculture, Rural Residential
	East:	Agriculture

Rationale:

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

Provincial Policies:

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

The Growth Plan directs the vast majority of growth to settlement areas.

Section 2.2.9 states that development outside of settlement areas may be permitted where necessary for the management of resources, such as agricultural lands, that is compatible with the surrounding uses and rural landscape, and may be sustained by rural service levels. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

The lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The rezoning as a condition of consent to sever the dwelling from the agricultural land is consistent with the intent of these policies to protect agricultural lands.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Policy 1.1.4 identifies that 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.

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

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 retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated 'Prime Agricultural' within the City of Kawartha Lakes Official Plan 2012 (Official Plan). The objective of the designation is to protect agricultural operations as well as agriculture-related businesses from incompatible uses. Section 15.1 of the Official Plan provides that agricultural land which is primarily Soil Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

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

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farm lots 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. When disposing of a farmhouse deemed surplus to the needs of a farming operation as a result of the consolidation of farm land, the lot must be at least 4,000 square metres in order to be sufficiently sized to accommodate existing and future private services. The lot complies by exceeding the minimum area requirement the Official Plan establishes.

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

Zoning By-law Compliance:

The subject land is zoned 'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' in the Township of Mariposa Zoning By-law 94-07, as amended.

The EP Zone is imposed where there are natural features and/or natural hazards. No changes are proposed to the EP Zone. The lot to be retained exceeds the minimum lot frontage (230 metres) and area (38 hectares) requirements of the A1 Zone by proposing about 768 metres and 39.67 hectares respectively. The 'Agricultural Exception Thirty-Two (A1-32) Zone is proposed to replace the A1 Zone on the retained land. The A1-32 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

Section 8.2.1.7 specifies that lots not exceeding 1 hectare created within the A1 Zone do not need a zone change as they are deemed to automatically be subject to the requirements of the Rural Residential Type One (RR1) Zone. Such lots formally retain the A1 Zone category on the zone schedule. In order to minimize future confusion over how the severed lands containing the surplus residential

dwelling are to be used, and permit an increased lot coverage for the existing residential accessory building (metal shed), the application also proposes to formally change the zoning on the lot to be created from A1 to Rural Residential Type One Exception Eleven (RR1-11) Zone. The severed lot exceeds the minimum lot frontage (38 metres) and area (2,800 square metre) requirements of the Rural Residential Type One (RR1) Zone by proposing about 60.43 metres and 4,826.9 square metres respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

The metal implement shed to become a residential accessory building on the residential lot to be created is 158 square metres (1,700 square feet). The General Provisions permit accessory buildings within the RR1 Zone to be 10% of the lot area up to a maximum of 150 square metres (1,614.5 square feet). The intent of this provision is to ensure accessory buildings and uses maintain a scale that is accessory to the dwelling, which is the primary use. The owners have requested the by-law amendment consider an increase in the permitted accessory building lot coverage in order to retain the building. The shed complies with the 2 metre minimum lot line setback requirements in the General Provisions for an accessory building by proposing a setback of 2.11 metres from the rear lot line and 5.61 metres from the eastern interior side lot line. It is also low enough to comply with the 5 metre height requirement.

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

Servicing Comments:

The property is serviced by a private individual well and holding tank.

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, Building Division, and Community Services Department advises that they have no concern with the application.

Development Services – Planning Division Comments:

The by-law restricts residential accessory building lot coverage in an RR1 Zone to 150 square metres (1,614.5 square feet). The 158 square metre (1,700 square feet) metal shed is at the back of the property, is set away from the dwelling, and is partially obscured by the two storey dwelling when viewing the property from the road. The lot is sufficiently sized to absorb the larger metal shed. Through the combination of a large lot, vegetative buffering in the form of hedgerows, and increased spatial separation between the dwelling and metal shed, the dwelling maintains its visual prominence.

While not requested in the application, planning staff believe it is appropriate to increase the permitted accessory building coverage by an additional 10 square metres in order to permit the future construction of a small shed or covered structure elsewhere on the property without the need for a minor variance application. This would increase the total permitted residential accessory building lot coverage from 150 square metres (1,614.5 square feet) to 168 square metres (1,808.3 square feet). The additional 18 square metres is not anticipated to cause the accessory building use to overwhelm the dwelling as the visually prominent use.

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix 'D' ensures the agricultural land is preserved for agricultural use by imposing the A1-32 Zone. The A1-32 Zone prohibits residential use. 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 RR1-11 to avoid any future confusion as to how the parcel is to be used and to recognize the increased accessory building lot coverage.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS policies concerning prime agricultural areas. The application does also conform to

the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of January 28, 2021. Staff respectfully recommends that the application be referred to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2021-004.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2021-004.pdf

Appendix 'C' – Concept Plan



Appendix C to
PLAN2021-004.pdf

Appendix 'D' – Draft By-law Amendment



Appendix D to
PLAN2021-004.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

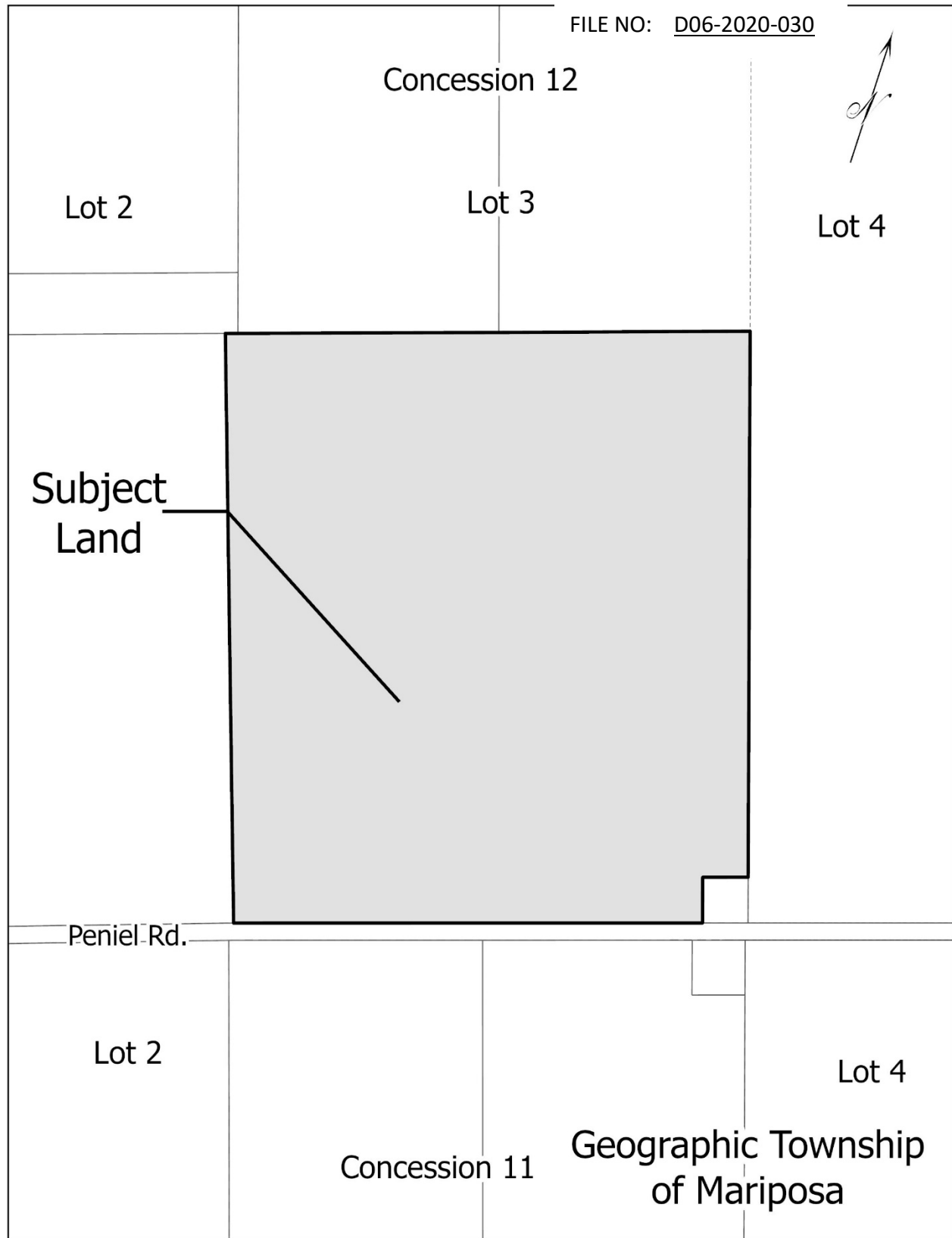
Department Head: Chris Marshall

Department File: D06-2020-030

to

REPORT PLAN2021-004

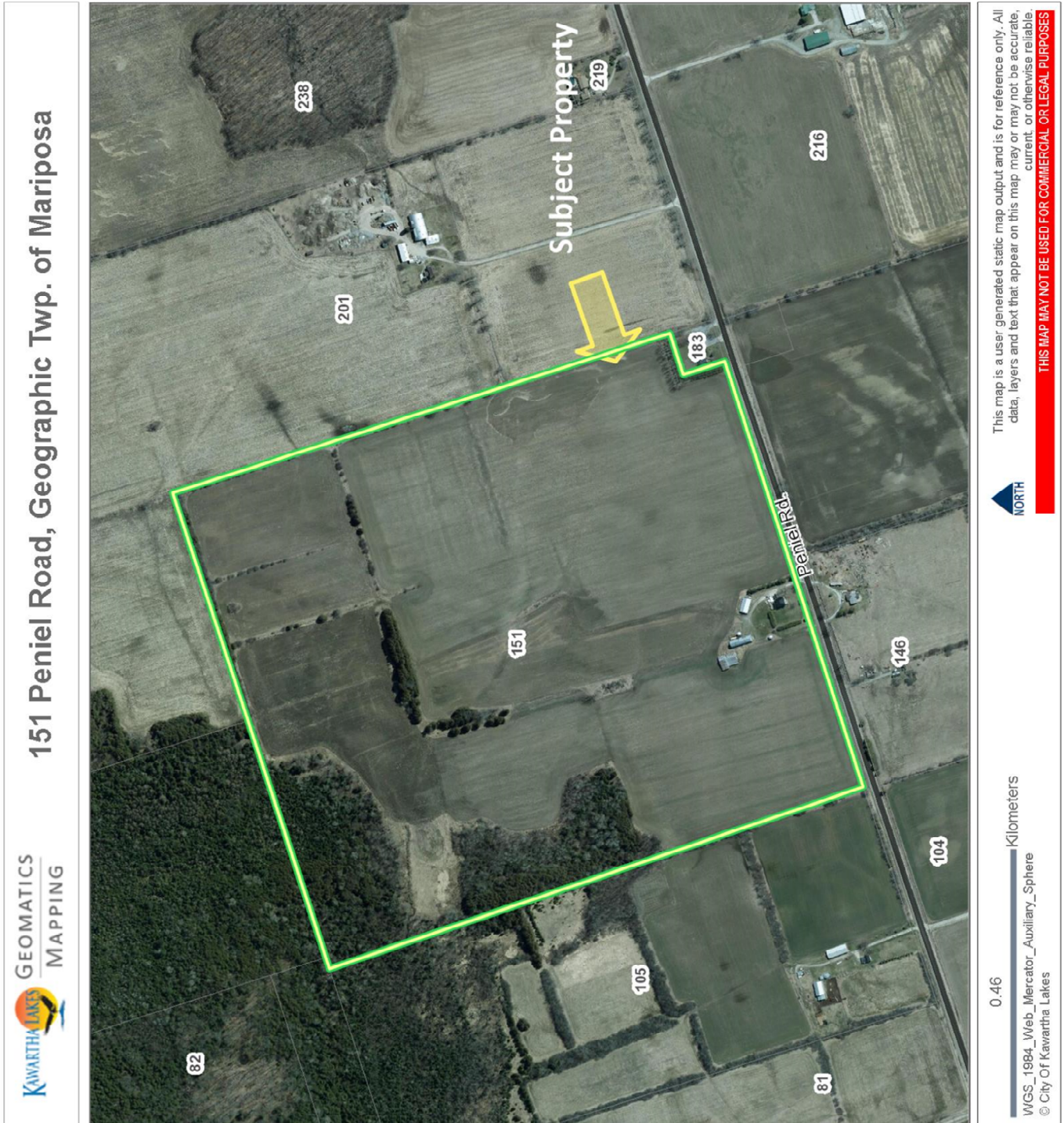
FILE NO: D06-2020-030



to

REPORT PLAN2021-004

FILE NO: D06-2020-030



SURVEYOR'S CERTIFICATE
I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT
ACT, THE SURVEYORS ACT AND THE
MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON

DATE _____

THIS PLAN OF DISCOVERY RELATES TO ACH



DRAWN BY:	DATE:	3 COMMERCE PLACE, T: (705) 324-4152 F:

FILE: G:\20-17-093\00\Drawing\20-17-093-

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, MAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/70.		
POINT ID	EASTING	NORTHING
ORP (A)	660 192.11	4 912 382.50
ORP (B)	660 761.78	4 912 565.29
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		



The Corporation of the City of Kawartha Lakes
By-Law 2021 -

to
 REPORT PLAN2021-004
 FILE NO: D06-2020-030

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

File D06-2020-030, Report PLAN2021-004, respecting Part Lot 3, Concession 12, geographic Township of Mariposa, identified as 151 Peniel 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 a rural residential zone category; and
 - (b) prohibit residential uses on the balance of the agricultural land under cultivation;
 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 2021-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 3, Concession 12, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended by adding the following subsection to Section 12.3:

“12.3.11 RURAL RESIDENTIAL TYPE ONE EXCEPTION ELEVEN (RR1-11) ZONE

12.3.11.1 Notwithstanding subsection 3.1.3.1(b), the total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, on land zoned RR1-11 shall be 168 square metres.”

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the property from Agricultural (A1) Zone to Agricultural Exception Thirty-Two (A1-32) Zone for the land referred to as A1-32, as shown on Schedule 'A' attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A1) Zone to Rural Residential Type One Exception Eleven (RR1-11) Zone for the land referred to as RR1-11, 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 ***, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

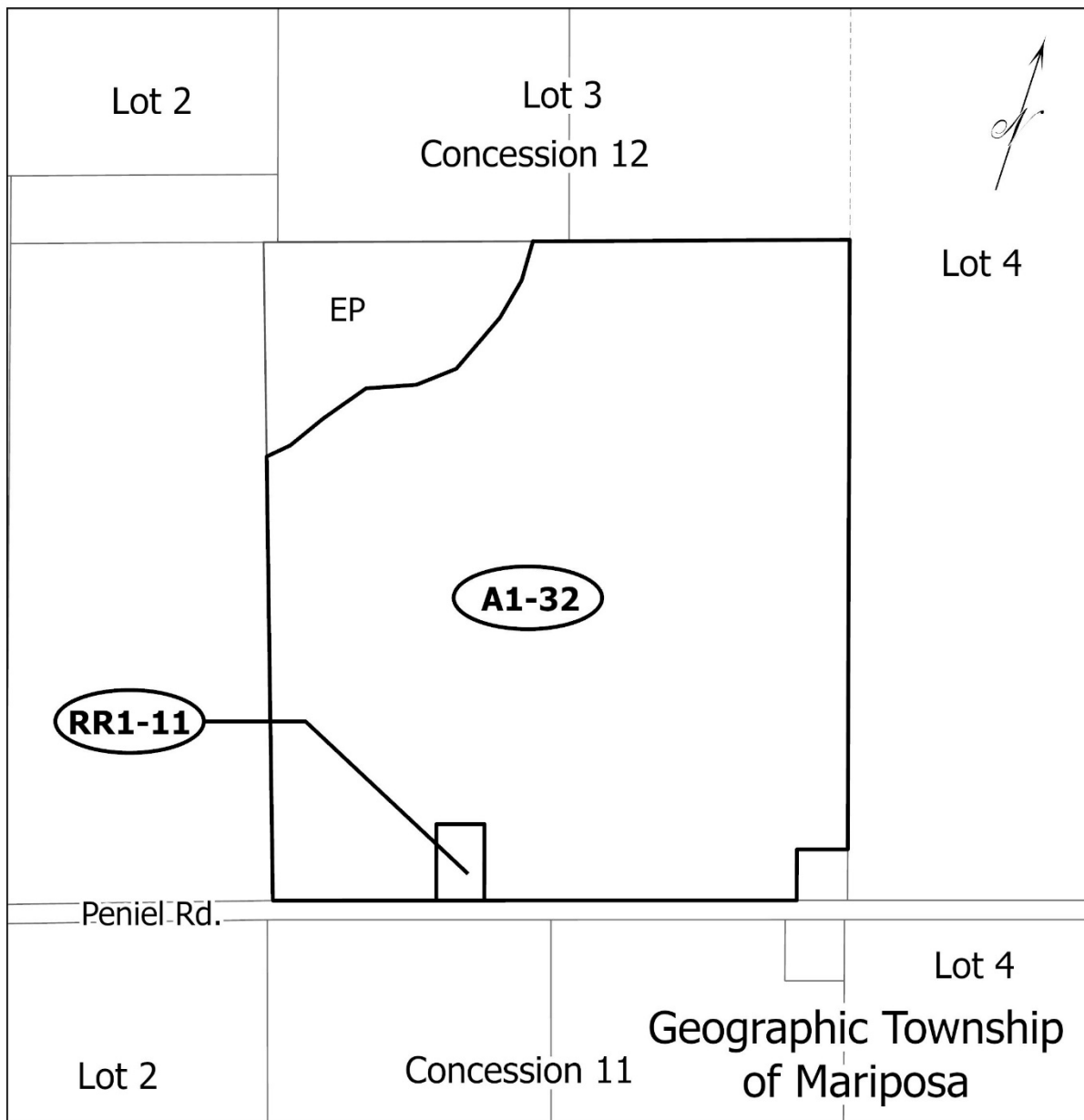
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____



Planning Advisory Committee Report

Report Number: PLAN2021-005

Meeting Date: February 10, 2021

Title: Amend the Township of Emily Zoning By-law 1996-30 at 833 Pigeon Lake Road - Gingrich

Description: To change a portion of the property from Agricultural (A1) Zone to an Agricultural (A1-*) Exception Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building

Type of Report: Public Meeting

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

Recommendation(s):

That Report PLAN2021-005, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, "Gingrich – D06-2020-029"**, 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To rezone a portion of the property from Agricultural (A1) Zone to an Agricultural (A1-*) Exception Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building. The effect of the amendment is to rezone a portion of the property to facilitate the creation of a custom woodworking shop as a secondary use to manufacture custom kitchen cabinets and furniture with a total floor area of approximately 600 square metres, inclusive of office and storage space.		
Owner:	David Gingrich		
Applicant:	D.M. Wills Associates Limited c/o Emma Drake		
Legal Description:	Part of Lot 3, Concession 11, geographic Township of Emily		
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan		
Zoning:	Agricultural (A1) Zone, Agricultural Exception Seven (A1-7) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30, as amended		
Site Size:	41.7 hectares (103 acres – MPAC)		
Site Servicing	Private individual well and septic system		
Existing Uses:	Rural/Agricultural		
Adjacent Uses:	North:	Woodland/Wetland/Agricultural	
	East:	Agricultural/scattered Rural Residential	
	South:	Agricultural/scattered Rural Residential	
	West:	Woodland/Wetland/Agricultural	

Rationale:

The owner has applied to permit an on-farm diversified use, being a custom woodworking shop on the subject land, which is located east of Lindsay and northwest of Downeyville. The subject property is located within a rural and agricultural area and is considered an agricultural lot, which contains a barn with a few cattle and a single detached dwelling and shed. Hay is cultivated as a cash crop operation on a portion of

the property, being approximately 12.2 ha (30 ac.) in area, while the remaining property is mostly woodland and wetland area. The woodworking shop is proposed between the barn and shed to the rear of and east of the dwelling on the opposite side of an existing driveway, which also serves the dwelling. All of the buildings are generally clustered together (see Appendix 'C').

A Zoning By-law Amendment application has been submitted to change the zone category on a portion of the property, comprising an area of approximately 0.74 ha, in order to permit an approximately 593 square metre woodworking shop to manufacture custom kitchen cabinets and furniture, inclusive of a 46.5 square metre office and an 82 square metre storage space, together with the surrounding operational area for loading, parking and driveway. 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 being requested, along with an increase in lot coverage for the accessory building together with site specific amendments to recognize non-applicable zoning provisions relating to setbacks on a lot having two or more zone categories.

The business is proposed to be initially operated by the sole proprietor, being the property owner, but have up to three employees as the business progresses, and customer interactions are anticipated to be low given the nature of the business and delivery service of the final product.

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 Justification Report dated September 2020 prepared by D.M. Wills Associates Limited, outlines the nature of the proposed zoning by-law amendment in the context of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Emily Zoning By-law 1996-30.
2. Agricultural Impact Assessment with Minimum Distance Separation Calculations dated September 2020 prepared by D.M. Wills Associates Limited to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that no negative impacts are anticipated as a result of traffic and safety risks, or nuisance and compatibility issues and that the proposed development will comply with MDS requirements.
3. Stage 1 & 2 Archaeological Assessment dated June 24, 2020 prepared by Earthworks Archaeological Services Inc., in conjunction with a representative from Curve Lake First Nation, which concluded the study area is free of archaeological material and no additional archaeological assessments are recommended.

4. Conceptual Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the size and location of the proposed woodworking shop and surrounding buildings, servicing and access.
5. Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited.
6. Constraints Map dated July 13, 2020 prepared by D.M. Wills Associates Limited.
7. Zoning By-law Amendment Sketch dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the extent of the subject land affected by the proposed rezoning.
8. Draft Zoning By-law Amendment, undated prepared by D.M. Wills Associates Limited.
9. Traffic Letter dated September 10, 2020 prepared by D.M. Wills Associates Limited, which outlined the expected number of employees, trips, internal site movements, deliveries and parking. Given the nature of the business, overall traffic levels are expected to be minimal and accommodated by the existing entrance and driveway, new parking and loading areas with no negative impacts.
10. Entrance Permit Review Confirmation Letter dated August 19, 2020 from the Public Works East Maintenance Area Supervisor that the existing entrance is acceptable.
11. Preliminary analysis of potential Species at Risk (SAR) on the subject property prepared by D.M. Wills Associates Limited. As the proposed development is within an existing hay field, which is actively and repeatedly harvested, it was expected that no SAR habitat would be permanently established. An email response from the Ministry of Environment, Conservation and Parks (MECP) SAR Ontario branch dated June 25, 2020 confirmed that the application will not contravene sections 9 nor 10 of the ESA and no further SAR authorization is required.

Staff has reviewed the Planning Justification Report and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

Applicable Provincial Policies:

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

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. Section 4.2.2 permits new agricultural, agricultural-related and on-farm diversified uses, within the Natural Heritage System for the Growth Plan subject to the policies of Sections 4.2.3 and 4.2.4. Although the Provincial mapping does not apply until implemented in the Official Plan, the Growth Plan policies apply to the Natural Heritage Systems, outside of settlement areas in Official Plans. In this regard, the policies of Section 4.2.4.4 apply to lands where a new development proposal is adjacent to key hydrologic features and key natural heritage features. The proposed building and surrounding area to be rezoned for proposed use may be exempt from having to undertake a key natural heritage evaluation as it appears to be located more than 30 metres from such features.

This application as an on-farm diversified use is being further evaluated to demonstrate conformity with the Growth Plan 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.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with policy 2.3, while protecting agriculture for long-term use.

Section 2.1.8 provides policy with respect to demonstrating there will be no negative impact on natural features or their ecological functions from proposed development and site alteration on adjacent lands to natural heritage features.

Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae.

The PPS defines an on-farm diversified use is defined as "uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products".

The following criteria from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publication 851: Guidelines on permitted uses in Ontario's Prime Agricultural Areas must be met to qualify as an on-farm diversified use in accordance with the PPS.

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Many aspects of the proposed application appear to meet the above criteria; however, further comments and evaluation of adjacent lands to natural heritage features and agricultural development comments are required with respect to demonstrating consistency with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the property also contain key natural heritage features, such as locally significant wetland, significant wildlife habitat and significant woodlands. The proposed on-farm diversified use is within the Prime Agricultural designation and within 120 metres of significant woodland. Portions of the subject property, including where the proposed use is to be located is within an area regulated by Kawartha Conservation. We anticipate Kawartha Conservation to provide their comments in this regard with respect to regulation and natural heritage features.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits secondary uses within the Prime Agricultural designation.

Conformity with the Official Plan will be established through the further review of the application.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone and Agricultural Seven (A1-7) Exception Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1

Zone permits agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking manufacturing facility. Other amendments are also being considered to facilitate the construction and limit the size of the facility, as well as reducing the parking requirement to six spaces. In addition, the southwest portion of the property that was rezoned by a prior owner to permit specific A1 zoned uses, including a butcher shop, which is not required and did not get constructed, will be rezoned back to A1 and the A1-7 zone exception will be repurposed for the subject application on a different portion of the property. The lands zoned EP will not be affected by this proposed amendment.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval, along with a 2% cash-in-lieu of parkland dedication. It is anticipated that site-specific zone provisions shall be developed to address these items, which may require a holding provision.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

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.

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.

Servicing Comments:

The agricultural land contains a well. The single detached dwelling on the land is serviced by a private sewage disposal system and well. A new septic system area is

proposed to support the proposed woodworking shop. The proposed new Class 4 Sewage System will adhere to the requirements of the Ontario Building Code for clearance distances and sizing and as such, the Septic Division has no concerns.

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:

There were no comments at the time of writing this report.

Agency Review Comments:

On January 21, 2021, the Community Services Department advised that they have no concerns or comments with respect to this application.

On January 22, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Zoning By-law Amendment to facilitate the creation of a woodworking shop as a secondary use.

On January 22, 2021, the HKPR District Health Unit advised it has no objection to the proposed zoning by-law amendment.

On January 25, 2021, Fire Services advised this is a Part 9 Building, and they have no issues at this time from fire prevention.

On January 25, 2021, the Building Division advised that confirmation of Exposed Building Face (EBF) areas (south face of existing barn and north building face of proposed) needs to be provided. Spatial separation under the Ontario Building Code may be a concern. The existing barn, as it shows in photos contained in the Archaeological report would seem to present a minor EBF area.

On January 31, 2021, the Part 8 Sewage Systems Supervisor advised that the applicant is proposing to establish a new Class 4 sewage system to service the proposed structure and use on the property. An area has been indicated in the site plan for the Class 4 Sewage System. The proposed site will be able accommodate the Class 4 Sewage System while adhering to the requirements of the Ontario Building Code for clearance distances and sizing. As such, the Septic Division has no concerns with the proposed Zoning By-Law Amendment.

Development Services – Planning Division Comments:

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specify that on-farm diversified uses are to be located on a farm, minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation.

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

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

Conclusion:

As a result of continuing evaluation, 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:

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'
PLAN2021-005.pdf



Appendix 'B'
PLAN2021-005.pdf



Appendix 'C'
PLAN2021-005.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

Appendix 'C' – Proposed Zoning By-law Amendment Sketch

Department Head email: cmarshall@kawarthalakes.ca

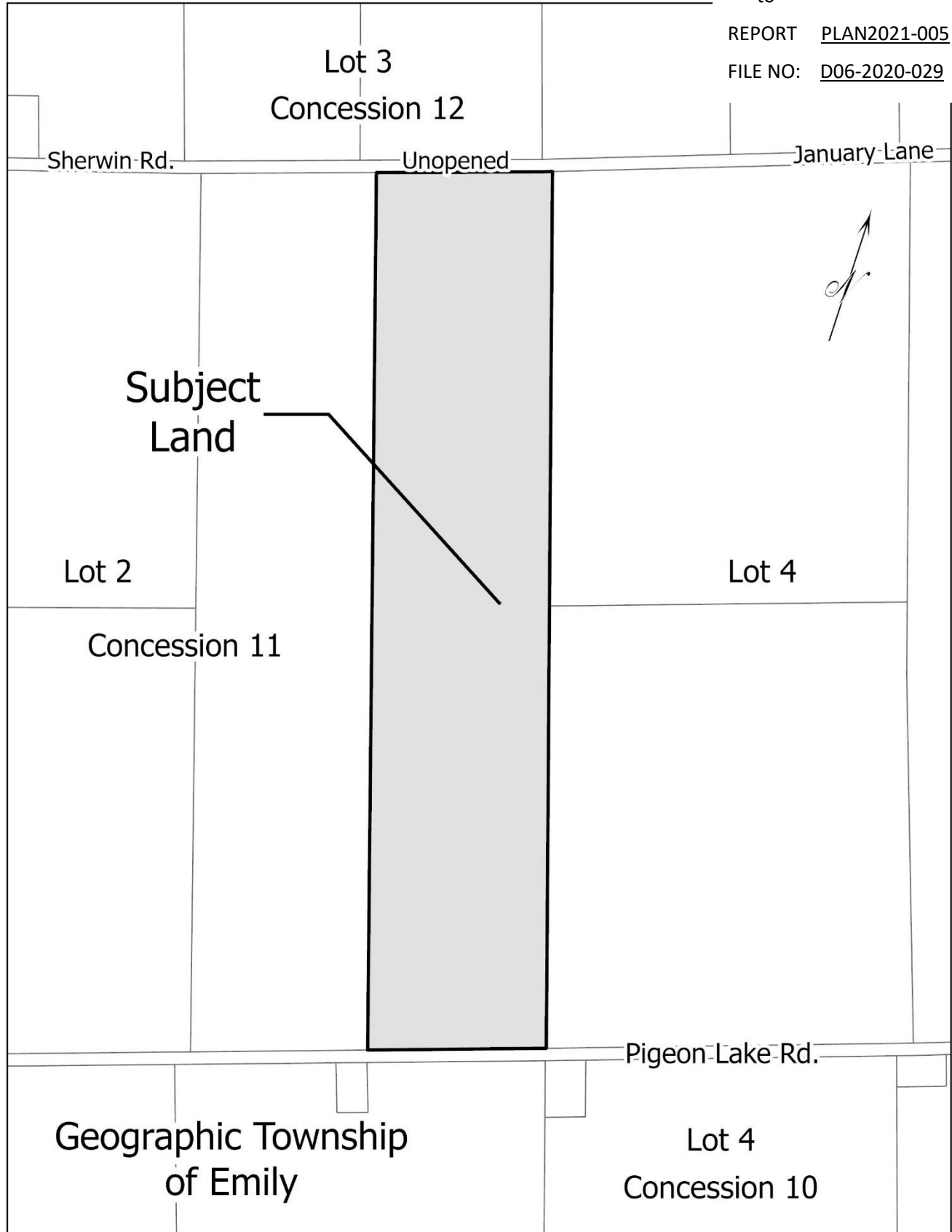
Department Head: Chris Marshall, Director of Development Services

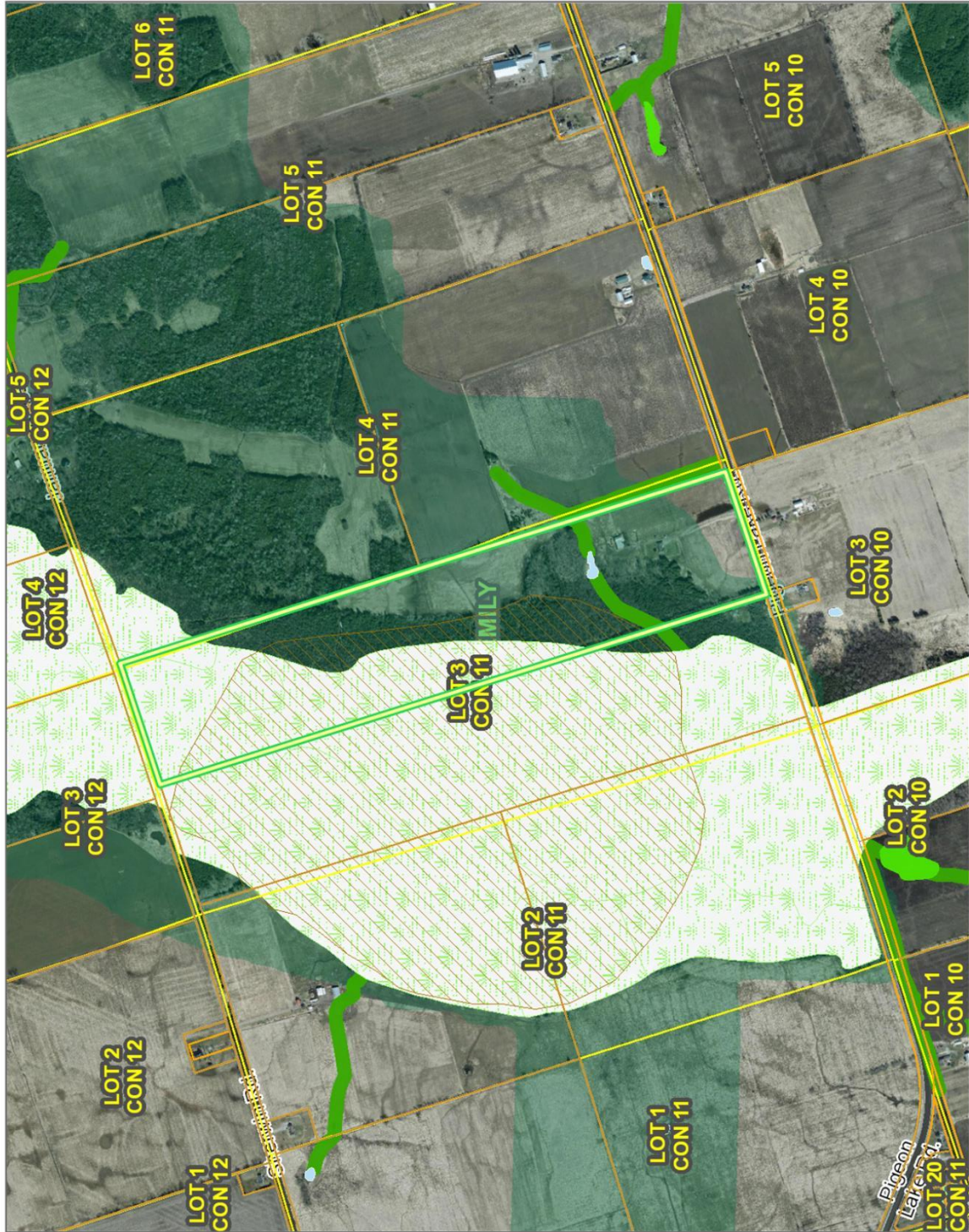
Department File: D06-2020-029

to

REPORT PLAN2021-005

FILE NO: D06-2020-029





- Legend**
- Property Roll Number
 - Property PIN
 - Lots and Concessions
 - Deer Wintering Area
 - Wetlands
 - Locally Significant Wetlands
 - Provincially Significant Wetlands
 - Water Body
 - Waterbodies
 - Unevaluated Wetlands
 - CKL_River_Buff15m
 - Prime_Agricultural
 - Natural_Heritage_System_Are
 - Road Centreline (2016 Needs
 - Geographic Townships
 - KRCA Regulated Areas

APPENDIX “ B ”
to
REPORT PLAN2021-005
FILE NO: D06-2020-029

Notes

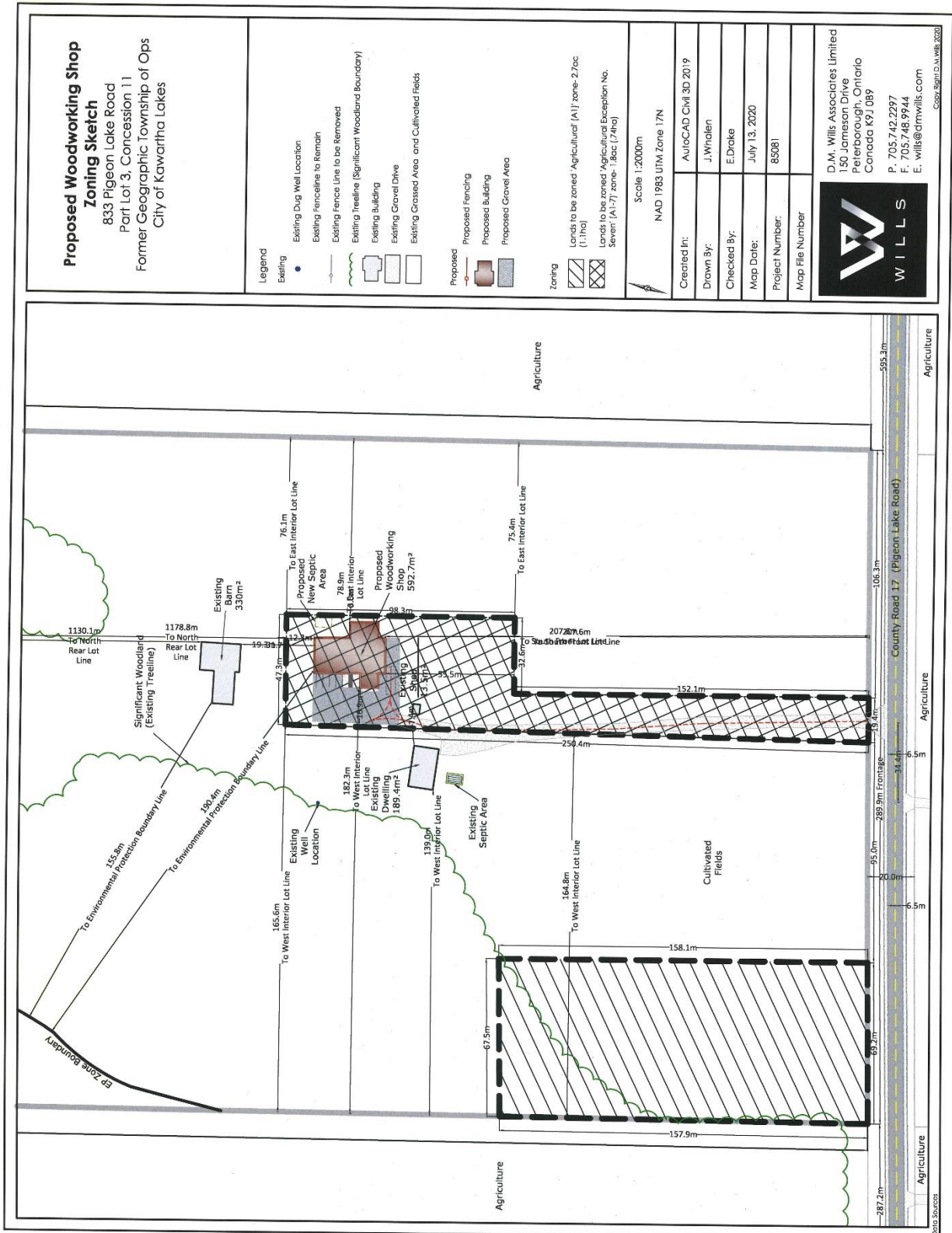
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to

REPORT PLAN2021-005

FILE NO: D06-2020-029



Planning Advisory Committee Report

Report Number:	PLAN2021-006
Meeting Date:	February 10, 2021
Title:	Amend the Bobcaygeon Zoning By-law 16-78 together with a Draft Plan of Condominium at 7-27 Lakewood Crescent – Port 32 Inc.
Description:	To permit a residential condominium development consisting of 48 townhouse dwelling units on a private condominium road accessed from Lakewood Crescent
Type of Report:	Regular Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP.

Recommendations:

That Report PLAN2021-006, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, "Port 32 Inc. – Applications D06-17-028 & D04-17-001", be received;

That the Draft Plan of Condominium and Conditions for Draft Plan of Condominium for file D04-17-001 (16CD-17501), substantially in the form attached as Appendix 'D' to Report PLAN2021-006 be referred to Council for approval and adoption;

That a Zoning By-law, respecting application D06-17-028, substantially in the form attached as Appendix 'E' to Report PLAN2021-006 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:

The statutory public meeting was held by the Planning Advisory Committee on August 12, 2020, which adopted the following recommendation:

PAC2020-025

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

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

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

Carried

At the Council Meeting of August 20, 2020, Council adopted the following resolution:

CR2020-231

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That the Minutes of the August 12, 2020 Planning Advisory Committee Meeting be received and the recommendations, included in Section 8.3 of the Agenda, save and except for Item 8.3.2, be adopted.

Carried

This report addresses that direction.

The proposal is to permit a medium density residential plan of condominium consisting of 48 townhouse dwelling units arranged in eight bungalow townhouse blocks fronting onto a private condominium road accessed from Lakewood Crescent. There will be no regular access from Austin Boulevard, only emergency access via a gate. The proposal will be developed on full municipal services. The Zoning By-law Amendment proposes to rezone the land from the "General Industrial (M2) Zone" to an "Urban Residential Type Four Exception Eleven (R4-S11)" to permit 48 townhouse dwelling units with site-specific zone provisions.

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

Rationale:

The property is located on the south side of Lakewood Crescent, south of a single-detached residential subdivision, and is on the west side of Austin Boulevard and the north side of River Park Drive (see Appendix ‘A’). The owners propose a residential plan of condominium consisting of 48 townhouse dwelling units in 8 bungalow townhouse blocks on a private condominium road accessed from Lakewood Crescent (see Appendices ‘B’ and ‘C’). Since lots are not being created, each owner will own their unit within the building but have exclusive use rights over a portion of the back and front yard areas. This will provide a consistent appearance for the development and a maintenance plan for those owners who choose to live elsewhere during winter months. The proposed development will be on full services. Municipal water, sanitary sewer and storm sewers are to be provided. There will be no regular access from Austin Boulevard; only emergency access via a gate near the southeast portion of the site. An amendment to the Zoning By-law is necessary to permit the residential use, along with a plan of condominium.

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

1. Planning Rationale Report prepared by Design Plan Services Inc., dated March 2020. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS), 2019 Growth Plan, the Victoria County Official Plan, the City of Kawartha Lakes Official Plan and Bobcaygeon Secondary Plan, and the Village of Bobcaygeon Zoning By-law.
2. Addendum to Planning Rationale Report prepared by Design Plan Services Inc., dated July 29, 2020. This addendum updates the previously submitted Planning Rationale Report in relation to the policies of the now in-effect 2020 PPS.
3. Urban Design Analysis, prepared by Design Plan Services Inc. and Hunt Design Associates Inc., dated June 2020. This document provides details on the urban design, built form and landscape features.
4. Karst Topography Assessment Letter Report prepared by GHD dated March 30, 2017. The report suggested other development in the immediately surrounding land has used a successful construction approach and provided four recommendations that are relevant to addressing any potential presence of shallow karst bedrock within the building footprint during construction.
5. Phase One and Phase Two Environmental Site Assessment Reports prepared for Port 32 Inc. by GHD, dated February 5, 2020. Based on the Phase Two ESA, there is a low level of concern from an environmental perspective. A Record of Site Condition (RSC) can be filed for the subject project with respect to the change from a commercial to residential land use.
6. Stage 1 and 2 Archaeological Assessment prepared for Marshall Homes by ASI Archaeological & Cultural Heritage Services dated July 27, 2016. The report identifies and evaluates the proposal with respect to archaeological resources. The report acknowledged that during the course of the survey, no archaeological resources were encountered and recommended that no further archaeological assessment of the property is required.
7. Letter from Ministry of Tourism, Culture and Sport dated August 9, 2016 acknowledging the above-noted Archaeological Assessment being entered into the Ontario Public Register of Archaeological Reports.
8. Building Elevations and Floor Plans prepared for Marshall Homes prepared by Hunt Design Associates Inc., dated July 2019.
9. Topographic Plan prepared by Coe Fisher Cameron, Ontario Land Surveyors dated May 30, 2018.

10. Site Plan prepared by TD Consulting Inc., dated March 2020 and further revised November 11, 2020.
11. Proposed Draft Plan of Condominium prepared by Coe Fisher Cameron, Ontario Land Surveyors dated November 10, 2020.
12. Traffic Impact Study Addendum prepared for Port 32 Inc. Marshall Homes by Trans-Plan Transportation Inc., dated December 2019. The study suggests that for the 2030 horizon, the study area intersections are expected to operate acceptably without the need for roadway improvements to accommodate the subject site. A review of the site circulation demonstrates all design vehicles can properly circulate without conflict. The proposed parking meets the zoning by-law requirements. The study recommended that the proposed development could proceed without any further improvements to the surrounding area.
13. Functional Servicing Report prepared by Engage Engineering Ltd., and Lakeview Engineering Inc., dated October 2019. The report examines municipal water and sanitary servicing options for the property as well as stormwater management. The report concludes that there is sufficient servicing capacity within the treatment plants to connect the proposed development to municipal water and wastewater services. Stormwater quantity control is not required due to the proximity of the receiving downstream waterbody, being the Little Bob Channel and Pigeon Lake. Quality control measures include a treatment train, low impact development (LID) approach, including the implementation of a bioretention cell and an oil/grit separator.
14. Stormwater Management Report, Maintenance and Operation Manual prepared by Engage Engineering Ltd., and Lakeview Engineering Inc., dated October 2020.
15. Detailed Engineering Drawing Submission prepared by Engage Engineering Ltd., dated October 30, 2020.
16. Cost Estimate prepared for Port 32 Inc., by Lakeview Engineering Inc., dated October 2020.
17. Memorandum from GHD dated November 17, 2020 to address comments regarding the Environmental Site Assessment and Record of Site Condition.
18. Response from Lakeview Engineering Inc., dated November 30, 2020 to address comments provided by Kawartha Conservation pertaining to the submitted Functional Servicing Report.
19. Species at Risk Assessment prepared by GHD dated November 16, 2020. The Species at Risk Assessment concluded no negative effects to species at risk or their habitat are expected with the construction of the plan of condominium.

20. Draft Zoning By-law Amendment provided by Marshall Homes, November 19, 2020.
21. Response Matrix to the first submission agency review comments, prepared by Marshall Homes, dated November 20, 2020.

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

Provincial Policies:

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

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

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

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

Provincial Policy Statement, 2020 (PPS):

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

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines in Section 1.1.1 how healthy, liveable and safe communities are sustained by:

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

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

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

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
- e) support active transportation;

Section 1.1.3.3 directs Planning authorities to identify locations and promote opportunities to accommodate a significant supply and range of housing options through intensification and redevelopment in taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development for intensification and redevelopment occupies a brownfield site and will utilize existing municipal infrastructure.

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

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

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS. Previously, the Kawartha Region Conservation Authority (KRCA) did not have any concerns with natural heritage or natural hazards. In relation to Section 3, the GHD Consultant's Report stated that with the exception of the southern portion of the site, the site inspection yielded no visual indicators of karst topography (i.e. sink holes, depressions, open fractures, disappearing streams) and provided recommendations to follow related to construction of foundations for the proposed development. This Karst Topography Assessment was circulated to the KRCA for comment and the KRCA further advised that they are satisfied with the karst assessment, and as their concerns regarding site stability are addressed, a full Geotechnical Report is not necessary. In addition, in relation to Section 3, a Phase One and Two Environmental Site Assessment (ESA) has been circulated for review and comment in relation to Human-Made Hazards. Based on the information in the Phase Two ESA, there is a low level of concern from an environmental perspective. A Record of Site Condition (RSC) can be filed for the subject project for the change from the former light industrial to residential land use. In this regard, an acknowledgement letter was received from the Ministry of Conservation, Environment and Parks (MECP) dated June 16, 2020 confirming the filing of the RSC.

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

Official Plan Conformity:

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

Sections 3.2.5 and 4.4.3 of the Victoria County Official Plan (VCOP) states that affordable housing will be encouraged. Staff have reviewed the Housing Affordability policies in the Official Plan; however, implementation may be at the discretion of Council. The owner has advised that they are not able to consider the introduction of rental units or further measures to improve affordability, as all units have been purchased; however, the units were designed and sold with a variety of layouts, bedroom counts, and finished basement options to allow for different levels of price point and affordability within the development.

The type of housing proposed in the form of townhouses provides more density, which is supported by the housing policies in the PPS.

Therefore, these applications would conform to the Official Plan.

Zoning By-Law Compliance:

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

The draft zoning by-law has been structured to permit townhouse dwelling units and provide specific zoning provisions related to the entire lot as a whole, as the proposed plan is considered a standard condominium. A maximum number of dwelling units and maximum lot coverage has also been specified.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

These applications align with the Vibrant and Growing Economy priority by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes. They align with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible.

Financial/Operation Impacts:

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

Servicing Comments:

The Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report confirms that the subject lands are serviceable with sufficient capacity within the existing municipal infrastructure.

A full Engineering design submission has also been received and circulated as part of a second submission and more detailed review will occur at the site plan approval stage.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting for the applications was held on August 12, 2020. To date, we have received the following comments:

Public Comments:

Comments were received from M. and C-A. Sones, who reside at 41 South Harbour Drive regarding the aesthetics as well as noting concerns about location for the Osprey nest, and whether a wall would be built around the development as a divider between the City's road allowances and the condominium property. Further information about the hydro, phone and cable services which are above ground on the south side of Lakewood Crescent, and which service properties farther to the east of the proposed development was also requested.

Comments were received from M. Groat, a resident of 29 Lakewood Crescent to confirm there would only be access from Lakewood Crescent and not from Austin Boulevard. He asked if there was a current landscaping plan available for review/discussion to ensure that the appropriate tree/shrub planting takes place to provide for suitable. He was also concerned about construction traffic along Lakewood Crescent and the state of the road with respect to road deterioration, potholes, maintenance, etc.

Comments were also received from residents B. Secor, C. Poole and J. Poole and W. Haritgan. Noted concerns including traffic in the area, access and visibility on Lakewood Crescent, local area osprey nesting, and questions about the development from a policy perspective.

The public comments that were received were forwarded to the applicant and/or City Departments for review.

At the public meeting, the applicant acknowledged the comments and concerns and also advised that Hydro One was planning to move the existing infrastructure on the property and relocate the osprey nests in the fall.

Also, at the Public Meeting, R. Phillips of 71 Mill Street, who lives close to the nearby intersection of Mill Street and Lakewood Crescent, said he has been requesting a stop sign at this intersection from City Engineering staff. He stated that he believed that the intersection would warrant a stop sign with the development. This request is being reviewed by the Engineering Department.

Staff have also received inquiries from interested buyers regarding the status of approval and timing of the proposed development.

Agency Review Comments:

Comprehensive review comments on the first submission of the applications were obtained and sent to the applicant on October 1, 2020 and included various comments from Engineering and Corporate Assets, Fire Services, Building Division, Community Services, Human Services, Kawartha Conservation, Hydro One, Bell Canada, Enbridge Gas, Ministry of Environment Conservation and Parks, Canada Post, and the Planning Division.

On November 13, 2020, Kawartha Conservation further advised that they are satisfied with the karst assessment, and their concerns regarding site stability are addressed. Kawartha Conservation will no longer require the Hold pertaining to the zoning of property as the full Geotechnical Report is not necessary.

In response to the above comments, a second application submission was received and circulated and we have received the following review comments:

On December 14, 2020, Canada Post advised of a concern with the proposed mailbox location in that parked cars will block the access to the community mailbox (CMB). To use the proposed location, they would need to ensure the community mailbox will not be blocked by parked cars. Possible solutions to use this location include a sidewalk between parking spaces and CMB or designating the parking space in front of the CMB as unusable or alternatively, they could also propose another location. Staff are of the view that this detail can be appropriately dealt with at the Site Plan approval stage.

On December 14, 2020, Fire Services advised that Emergency Access with gate, designated on sheet "GP" is to be maintained year round. No Parking signs are to be installed to ensure access is not blocked. Arrangements for gate opening in emergency situations is to be made with Fire Department. In addition, private fire hydrants are to be tested and maintained in accordance with Ontario Fire Code requirements.

On December 16, 2020, Bell Canada acknowledged review of the circulation and provided conditions for approval.

On December 17, 2020, Canada Post provided formal detailed comments and developer requirements along with a suggested alternate location for the CMB.

On December 23, 2020, Hydro One advised they are currently in final approval stages of relocation of existing Hydro One plant from property/service upgrade to community

pool. The proposal is to remove the majority of the existing infrastructure from subject lands (keeping only what will be required to maintain service to customers to the west). Their initial concerns are that the northern subdivision entrance may conflict with new pole location along Lakewood Crescent. An existing pole will be relocated to the east and service will be fed overhead to a pole that will remain. It is their understanding that these rights have been negotiated and approved.

On January 12, 2021, Engineering advised that they have no objection to the proposed Zoning By-Law Amendment to change the zoning from General Industrial Zone to an Urban Residential Type Four Exception Zone. Engineering will provide further comments at the time of application for Site Plan. Conditions of draft plan of condominium approval were also provided.

On January 19, 2021, the Ministry of the Environment, Conservation and Parks advised that this development is on full municipal services and it is not fronting on surface water features. They advised they had no concerns or comments.

On January 21, 2021, Community Services acknowledged review of the submission. Although landscaping will be part of the Site Plan submission, their previous comments indicated treescaping along the boulevards of Austin Boulevard, River Park Road and Lakewood Crescent be considered. The current landscape plan does not contain plantings along the City owned boulevards. The tree species that have been selected are suitable and well spaced throughout the development; consideration has been given to site lines and the impact of trees on street lighting. In addition, hedging suitable for the available planting area along the western retaining wall between the back of wall and back of curb should be considered to provide a natural screen between the adjacent properties and the condominium development given the changes in elevation.

On January 21, 2021, Kawartha Conservation advised they have reviewed the draft plan of condominium conditions provided by Engineering relating to the KRCA and advised they do not have anything further to add. KRCA also advised that they have reviewed the submission and indicated that KRCA requires no net increase in phosphorus loading from pre-development to post development. In addition, water balance calculations provided in this submission did not include evapotranspiration and need to be confirmed. Furthermore, additional details and a silt fence is required to be noted on the Erosion and Sediment Control Plan. Staff are of the view that this detail can be appropriately dealt with at the Site Plan approval stage.

On January 27, 2021, the Building Division advised it has no concerns with the subject applications. They reserve the opportunity to comment on relevant issues through the site plan circulation.

Development Services – Planning Division Comments:

The applications for Zoning By-law Amendment and Draft Plan of Condominium would conform to the Growth Plan, would be consistent with the Provincial Policy Statement, and would conform to the applicable policies of the Official Plan.

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment. These reports/studies provided information outlining how the development will function, possible impacts and provided recommendations ensuring the proper development of the site. All required studies were reviewed confirming that the development can be adequately serviced, and is not anticipated to have a negative impact on traffic or the surrounding properties.

A number of design elements can be addressed at the site plan approval stage, including but not limited to parking areas and driveways, building elevations, amenity spaces, pathways, landscaping, buffer areas and fencing and lighting. A site plan application has recently been submitted and is in the process for circulation to departments and agencies for review. A Site Plan Agreement will be required to be registered on title which requires development on site to be constructed in accordance with municipal policies and design standards set out in the Agreement.

The Condominium Corporation will be required to enter into a Plan of Condominium Agreement with the City of Kawartha Lakes addressing approvals of the Draft Plan, servicing and/or other applicable conditions that may not already be required in the Site Plan Agreement, to the satisfaction of the City.

The proposed Zoning By-law amendment will appropriately facilitate the construction of the proposed 48-unit condominium townhouse development on the subject lands through the appropriate approvals process and registration the required agreement(s).

At this time, Staff recommends that the applications for zoning by-law amendment and draft plan of condominium proceed for approval. Staff will continue to review and process the Site Plan Application for the proposed development, which has been recently circulated for review comments from commenting departments and agencies.

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 application for Zoning By-law Amendment and Draft Plan of Condominium 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'
PLAN2021-006.pdf



Appendix 'B'
PLAN2021-006.pdf



Appendix 'C'
PLAN2021-006.pdf



Appendix 'D'
PLAN2021-006.pdf



Appendix 'E'
PLAN2021-006.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan

Appendix 'C' – Proposed Draft Plan of Condominium

Appendix 'D' – Conditions of Draft Plan of Condominium Approval

Appendix 'E' – Draft Zoning By-law Amendment

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

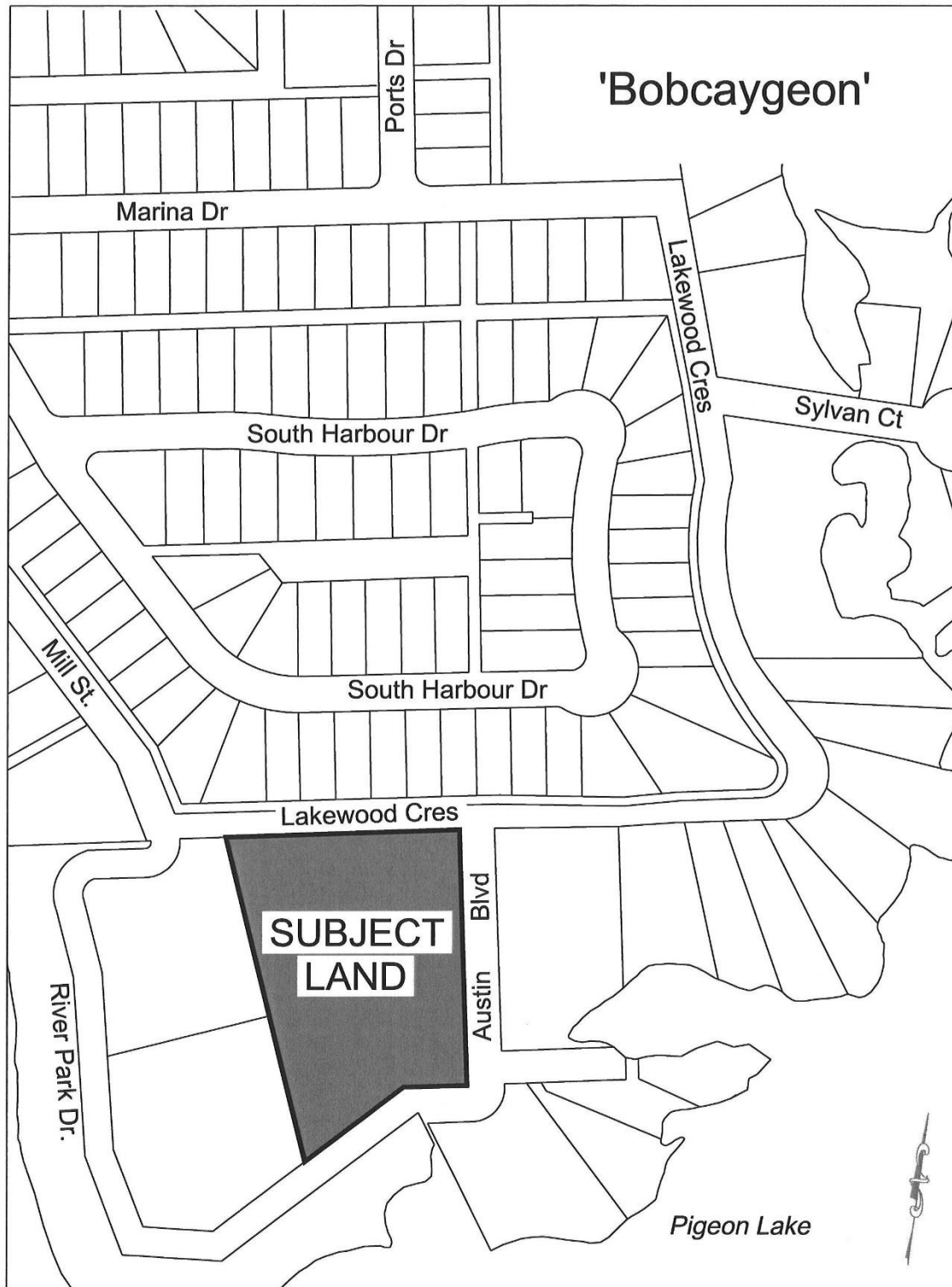
Department File: D06-17-028 & D04-17-001

to

REPORT PLAN2021-006

FILE NO: DO6-17-028

D04-17-001



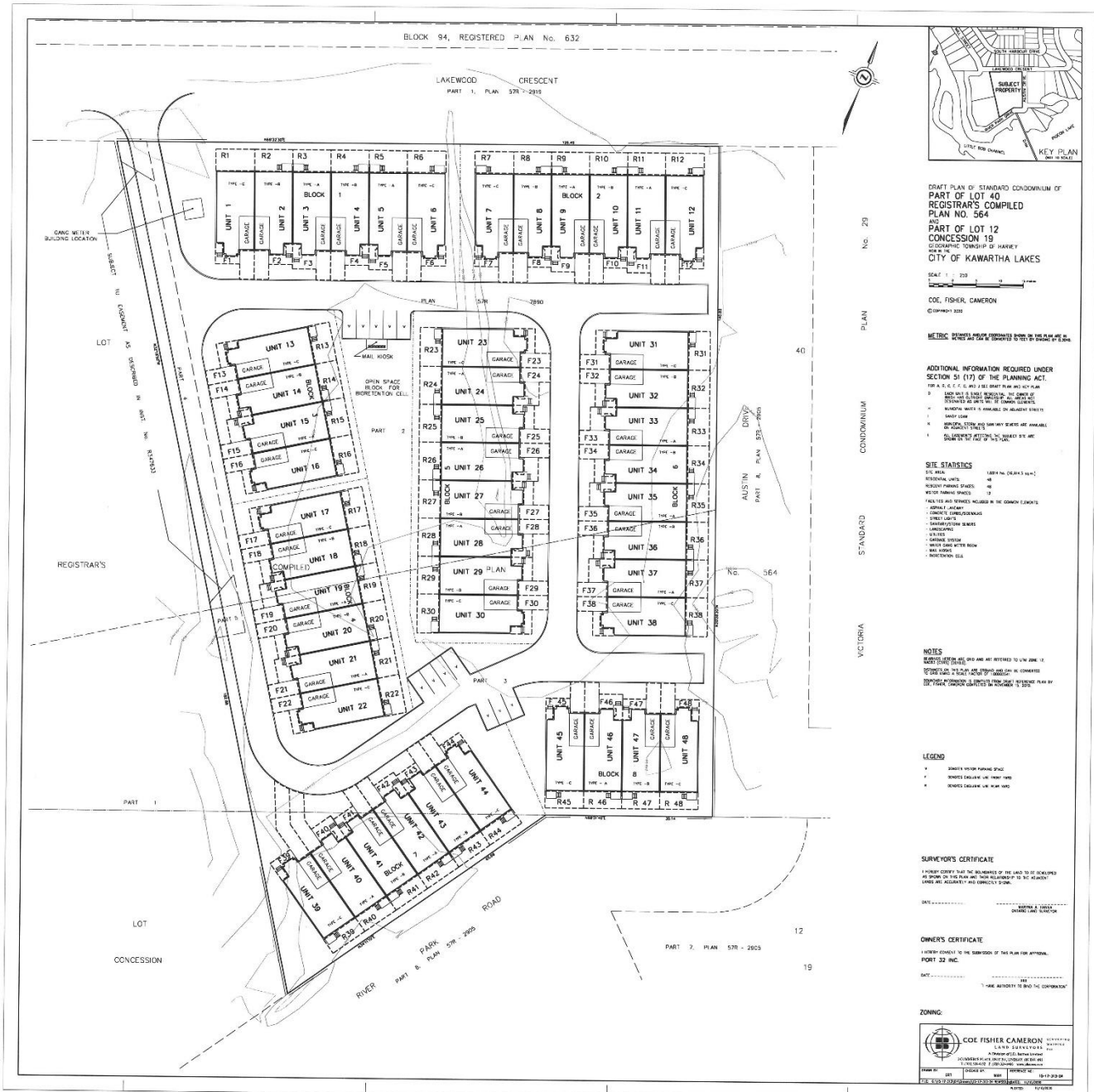
APPENDIX " C "

to

REPORT PLAN2021-006

FILE NO: DO6-17-028

D04-17-001



Conditions of Draft Plan Approval – Port 32 Inc.

General Conditions

1. This approval applies to the draft plan of standard condominium 16CD-17501, prepared by Coe Fisher Cameron Land Surveyors, Reference No. 15-17-313-04, dated November 10, 2020, which shows a total of 48 townhouse units within 8 blocks. Common facilities to include an asphalt paved laneway, concrete curbs/ sidewalks, landscaped areas, sanitary/storm sewer, utilities, 12 visitor parking spaces, water meter room, community mailbox kiosk, and open space.
2. Prior to the signing of the final plan by the Director, a Condominium Agreement shall be entered into and executed by the Owner and the City to satisfy all financial, legal, and engineering matters, including the design, provision and installation of private streets and connections to public roads, services, sidewalks, on-street illumination, tree plantings, walkways, daylight triangles, road signs, traffic signals, stormwater management facilities and drainage works, and all recommendations contained in related technical reports approved by the City.
3. The Condominium Agreement shall include the payment of all applicable development charges in accordance with the applicable Development Charges By-law.
4. The Owner agrees, in writing, to the registration of the Condominium Agreement against the land to which it applies. The private street shall be named to the satisfaction of the City.
5. Civic addressing shall be assigned on the basis of units being subdivided in the future, to the satisfaction of the City, and that the assignment of civic addresses be included in the Condominium Agreement.
6. The Owner and the City shall agree in the Condominium Agreement that:
 - a) No building permit will be issued for any block until underground services are installed and operational and the roadway is constructed to base asphalt condition.
 - b) All blocks will be developed in accordance with the approved engineering design for the development.
 - c) The building permit applicant for each such block shall submit individual block grading and drainage plans and receive approval from the City prior to the issuance of a building permit.
 - d) That in conjunction with the issuance of a building permit that the recommendations contained in the GHD Letter Report – Karst Topography Assessment dated March 30, 2017, be followed to address any potential presence of shallow karst bedrock within the building footprints during construction.

7. The schedule to the Condominium Agreement entitled “Special Warnings and Notices” shall incorporate a notice advising of the existence of the City’s Noise By-law and warning that construction activities within the development may be subject to regulation and/or restrictions thereunder.
8. The Owner shall agree to submit to the City, prior to commencing the installation of services, a construction management plan. Measures to minimize construction debris on the public roads as well as public road cleaning at the Owner’s expense will be included in the Condominium Agreement and/or Site Plan Agreement.
9. The Owner shall agree that prior to entering into a Condominium Agreement with the City, the Owner has fulfilled all obligations to the City required under a Pre-Servicing Agreement, if applicable.

Zoning

10. Prior to the signing of the final plan by the Director, the Planning Division shall confirm that any amendment to the Zoning By-law necessary to implement this plan has been approved and is in effect.
11. An Ontario Land Surveyor shall certify that the proposed lot frontage and area appearing on the final plan conform to the requirements of the Village of Bobcaygeon Zoning By-law.
12. The Owner acknowledges that the townhouse development within the Blocks will be subject to Site Plan Approval.

New and Expanded Public Roads and Traffic

13. The Owner shall agree to design and construct, entirely at his or her expense, the municipal infrastructure required for the proposed site plan, and all external improvements adjacent to the proposed site plan in accordance with all recommendations contained in related technical reports approved by the City.
14. The Owner shall provide a comprehensive streetscaping plan showing all above-ground utilities, streetlights, street furniture, street tree planting, and/or boulevard landscaping, specific to the detailed engineering design of the development and to the satisfaction of the City.

Site Servicing

15. The Condominium Agreement and/or Site Plan Agreement shall provide for the installation of a municipal water service, sanitary sewage service, storm service, and stormwater management system to the satisfaction of the City. The construction and conveyance of the municipal infrastructure shall be at the Owner’s expense and responsibility.
16. The Owner agrees that each of the approved Blocks will be connected to the City’s municipal water and sanitary systems, to the satisfaction of the City.

17. The Owner agrees that any changes to existing municipal infrastructure within the site will be completed to the satisfaction of the City, at the Owner's expense.
18. The Owner agrees to provide easements for municipal infrastructure to the satisfaction of the City and at the Owner's expense.
19. Prior to the final execution of the Condominium Agreement and/or Site Plan Agreement, the Owner shall obtain an Environmental Compliance Approval (ECA) from the Ministry of the Environment Conservation and Parks for the municipal sewer works in accordance with the Ontario Water Resources Act and the Environmental Protection Act. The Condominium Agreement and/or Site Plan Agreement shall reference the applicable ECA numbers.

Stormwater Management

20. Prior to final approval and any on-site grading taking place, the Owner shall submit a stormwater management report for quantity and quality control, water balance, and phosphorus control, prepared by a qualified Professional Engineer in accordance with the applicable standards and guidelines to the satisfaction of the Kawartha Region Conservation Authority and the City. The report shall identify opportunities for Low Impact Development solutions applicable to the site specific conditions.
21. Prior to final approval and any grading taking place, the Owner shall submit an erosion and sediment control plan detailing the measures that will be implemented before, during and after construction to minimize soil erosion and sedimentation prepared to the satisfaction of the Kawartha Region Conservation Authority and the City. The plan shall contain a proactive targeted multi-barrier approach with emphasis on erosion control.
22. That, the Condominium Agreement and/or Site Plan Agreement shall contain, among other matters, the following provision:
 - a) That, the Owner agrees to carry out the recommendations of the approved stormwater management report and the approved erosion and sediment control plan. The Agreement shall contain a reference to the plans and reports approved by the Kawartha Region Conservation Authority and the City.
 - b) That, the Owner agrees to implement all erosion and sediment control structures in a functional manner prior to the site disturbance and maintain these structures operating in good repair during and after the construction period, until such time as all disturbed soil surfaces have become stabilized and/or revegetated.

Conditions for Fencing and Landscaping Conditions

23. The Condominium Agreement shall include provisions concerning landscaping along the boulevards of Austin Boulevard, River Park Road and Lakewood Crescent as well as fencing and hedging suitable for the available planting area

along the western retaining wall between the back of wall and back of curb to provide a natural screen between the adjacent properties and the condominium development.

Parkland

24. The Owner agrees that the City, pursuant to subsection 51.1(3) of the Planning Act, accepts payment in lieu of the 5% conveyance of parkland. For the purpose of determining the amount of any such payment, the value of the land shall be determined by an accredited appraiser (CRA or AACI). The date of this appraisal shall be no later than the day before the date of the notice of decision to grant draft plan approval or the date of the most recent extension pursuant to subsection 51(33) of the Planning Act, to the approval of the draft plan of common element condominium. The City is not required to accept the appraisal report and reserves the right to have the appraisal report peer reviewed and to negotiate the cash-in-lieu payment.

Easements and Agency Specific Conditions

25. That satisfactory arrangements, financial and otherwise, shall be made with Bell Canada for any Bell underground facilities serving the development.
26. That the Owner agrees in the Condominium Agreement with the City to grant Bell Canada any easements that may be required for telecommunication purposes.
27. That if there are any conflicts with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for rearrangements or relocation.
28. That Owner shall agree in the Condominium Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the events of any conflict with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for the relocation of such facilities or easements.
29. The Owner is hereby advised that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Owner shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e., 911 Emergency Services).
30. That prior to the signing of the final plan by the Director, the Owner shall satisfy all requirements, financial and otherwise, of the Hydro One Networks Inc.

31. That the Owner enters into a Condominium Servicing Agreement for Electrical Servicing with Hydro One Networks Inc. This Servicing Agreement will specify all the terms, conditions, and financial obligations to facilitate the extension of electrical servicing to these lands. Hydro One may as part of its Electrical System Servicing Agreement, require a type of Development Charge or Systems Capital Contribution Fee towards the provision of system(s) capacities expansion outside of the development but necessary to ensure the integrity of the Company's Power distribution grid.
32. The Owner will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes.
33. The Owner agrees in the Condominium Agreement, prior to offering any units for sale, to display a map in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
34. The Owner agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The Owner also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
35. The Owner will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading is completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the dwellings / units are occupied.
36. The Owner agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - a) any required walkway across the boulevard, per municipal standards; and
 - b) any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications).

Environmental Conditions

37. The Owner shall follow the recommendations contained in the Phase I Environmental Site Assessment prepared by GHD and dated February 5, 2020 and in the Phase II Environmental Site Assessment prepared by GHD and dated February 5, 2020 in support of a Record of Site Condition filed with the Ministry of Environment, Conservation and Parks (MECP) on the Environment Site Registry on June 16, 2020. (Reference No. 226774)
38. Prior to the signing of the final plan by the Director, the Owner shall submit a Record of Site Condition (RSC) of the subject land, and written confirmation from a qualified professional that the recommendations of such RSC have been implemented and completed to the satisfaction of the MECP.
39. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a detailed design submission of the final Stormwater Management system prepared by a qualified Professional Engineer in

accordance with the applicable standards and guidelines to the satisfaction of the Kawartha Region Conservation Authority.

40. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a Final Grading Plan prepared by a qualified professional to the satisfaction of the Kawartha Conservation Authority.
41. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a Final Sediment and Erosion Control Plan prepared by a qualified professional to the satisfaction of the Kawartha Conservation. The Plan should detail the measures that will be implemented before, during, and after construction to minimize soil erosion and sedimentation;
Note: Kawartha Conservation supports a proactive multi-barrier approach to erosion and sediment control, with emphasis on erosion control rather than solely relying on sediment control measures (e.g., silt fence).
42. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a phosphorus budget, showing a net-zero increase in phosphorus (pre-to-post development) loading from the site to the satisfaction of Kawartha Conservation.
43. That, the Condominium Agreement contain the following provisions:
 - a) That, the Owner agrees to carry out the recommendations of the approved Stormwater Management report, the approved Grading Plan and the approved Sediment and Erosion Control Plan (The Agreement shall contain a reference to the plans and reports approved by the Kawartha Conservation);
 - b) That, the Owner agrees to install all sediment and erosion control structures in a functional manner prior to the site disturbance, maintain these structures operating in good repair during and after the construction period, and continue to implement all sediment and erosion control measures until such time as the disturbed soil surfaces have become stabilized and/or revegetated; and,
 - c) That, the Owner agrees to apply to Kawartha Conservation separately for individual Permits for any dwelling units which are situated within Kawartha Conservation's regulated area.

Special Conditions

44. The Owner shall carry out an Archeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archeological resources found. No grading, related to preparation of the site for the draft plan of condominium, shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archeological resource concerns have met licensing and resource conservation requirements.
45. Prior to final approval, the Owner shall provide confirmation that Curve Lake First Nation accepts the Archeological Assessment of the subject property. No

grading, related to preparation of the site for the draft plan of condominium, shall take place on the subject property prior to receipt of said confirmation.

46. That the Condominium Agreement shall incorporate the requirements of the Fire Rescue Service with respect to Emergency Access with a gate, which is to be maintained year round. No Parking signs are to be installed to ensure access is not blocked. Arrangements for opening gate in an emergency is to be made with the Fire Department and private fire hydrants are to be tested and maintained in accordance with Ontario Fire Code requirements.
47. That subsequent to the execution of the Condominium Agreement by the Owner and prior to the signing of the final plan by the Director, the City Treasurer shall confirm in writing to the Director that all financial obligations and payments to the City, as set out in the Condominium Agreement, in accordance with Condition 2, have been satisfied including, but not limited to:
- b) all applicable Development Charge payments in accordance with the requirements of all applicable Development Charge By-laws,
 - c) all applicable Capital Charge payments in accordance with the requirements of all applicable Capital Charge By-laws,
 - d) all applicable Local Improvement payments in accordance with the requirements of all applicable Local Improvement By-laws,
 - e) all applicable fees payable in accordance with the requirements of all applicable municipal by-laws, including fee by-laws,
 - f) the form and amount of the securities that the Owner is required to have posted to secure its obligations under the Condominium Agreement, including the identification of any reduction in such securities that has already been incorporated into the Condominium Agreement,
 - g) where there has been such a reduction in such securities, a Statutory Declaration submitted on behalf of the Owner confirming payment of all accounts for material, labour and equipment employed in the installation of the services on whose completion such reduction has been computed and applied, and
 - h) any financial obligations with which the Owner's compliance has been deferred or from which the Owner has been exempted pursuant to the terms of the Condominium Agreement.

It is acknowledged that prior to the signing of the final plan by the Director, a copy of the Condominium Agreement will be forwarded to Planning Advisory Committee for endorsement which will include a Planning Report along with the financial reporting as outlined above.

Blasting Approvals

48. The Owner shall provide a blasting report by a qualified Professional Engineer outlining the area subject to blasting for the construction of the proposed infrastructure as well as blasting techniques being employed for City approval. The report shall provide any necessary mitigation measures to ensure that

adjacent wells and septic systems are not negatively impacted. The City reserves the right to have the blasting report peer reviewed by a qualified expert at the applicant's expense.

49. The owner shall employ a qualified blasting contractor prior to the commencement of any blasting activity on the subject lands.
50. Prior to the commencement of blasting activities on the subject lands, the owner shall provide written notice both to the City and all property owners within 200 metres of the property 5 days prior to blasting event occurring.

Clearance Conditions

51. Prior to the signing of the final plan by the Director, the Owner will ensure that clearance letters from the appropriate authorities have been submitted to the Planning Division so as to confirm how the above noted conditions have been satisfied.
52. Prior to the signing of the final plan by the Director, the Development Services Division shall confirm that conditions 1 to 7 both inclusive, 10 to 12 both inclusive, 23 and 44 have been satisfied.
53. Prior to the signing of the final plan by the Director, the Engineering and Corporate Assets Division shall confirm that conditions 8 and 9, and 13 to 22 both inclusive have been satisfied.
54. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Taxation and Revenue Division indicating how condition 47 has been satisfied.
55. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Kawartha Region Conservation Authority indicating how conditions 20 to 22 both inclusive and 37 to 43 both inclusive have been satisfied.
56. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Community Services Department indicating how condition 24 has been satisfied.
57. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from Bell Canada indicating how conditions 25 to 29 both inclusive have been satisfied.
58. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from Hydro One Networks Inc. indicating how conditions 30 and 31 have been satisfied.
59. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Canada Post Corporation indicating how conditions 32 to 36 both inclusive have been satisfied.
60. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Curve Lake First Nation indicating how condition 45 has been satisfied.

61. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Fire Rescue Service indicating how condition 46 has been satisfied.

Part B – Lapsing Provision

All conditions shall be fulfilled and satisfied, and final approval shall be given or this draft plan approval shall be deemed to have lapsed pursuant to the Planning Act, R.S.O. 1990, as amended, after three (3) years from the date the Notice of Decision is sent out with respect to this draft approval.

A request for Draft Plan Approval extension should be made at least 60 days before the approval lapses as no extension can be given after the lapsing date. Draft Plan Approval extension requests shall include an evaluation of all engineering design and supporting documentation to ensure compliance or conformance with all current provincial and municipal guidelines and standards. Designs and reports shall be updated by the Owner as required, to the satisfaction of the City.

Notes to Draft Plan Approval of 16CD-17501 (D04-17-001)

1. Clearance Letters

It is the Owner/applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters have been forwarded by the appropriate agencies / utility companies to the City of Kawartha Lakes to the attention of the Director of Development Services quoting the above noted file. For your information, the following are the contacts:

Juan Rojas, Director
Engineering and Corporate Assets
Department
City of Kawartha Lakes
322 Kent Street West, PO Box 9000
Lindsay, ON K9V 5R8
Tel: 705.324.9411 ext. 1151
Fax: 705. 328.3122

Craig Shanks, Director
Community Services Department
City of Kawartha Lakes
50 Wolfe Street,
Lindsay, ON K9V 2J2
Tel: 705.324.9411 ext. 1307
Fax: 705.324.2051

Chris Marshall, Director
Development Services Department
City of Kawartha Lakes
180 Kent Street West, 2nd Floor
Lindsay, ON K9V 2Y6
Tel: 705.324.9411 ext. 1239
Fax: 705.324.4027

Ron Warne, Director of Planning,
Development and Engineering
Kawartha Conservation
277 Kenrei Road,
Lindsay, ON K9V 4R1
Tel: 705.328-2271
Fax: 705.328-2286

Bell Canada
Right Of Way Control Centre
100 Borough Drive, Floor 5
Scarborough, ON M1P 4W2

Hydro One Networks Inc.
45 Sarjeant Drive,
Barrie, ON L4M 5N5

Corey Craney-Twolan
Delivery Planning
Canada Post Corporation
P.O. Box 8037, Ottawa T CSC
Ottawa, ON K1G 3H6

2. Conveyances and 0.3 m. Reserves

If land is to be conveyed to the City we suggest that the description of such parcels shall be by reference to either the Lot or Block on the Registered Plan or by Part on a Reference Plan of survey.

We further require the Owner give to the City an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the final plan, as signed by the Director.

If a 0.3 m. reserve is required along the side of either an existing or proposed road allowance, the 0.3 m. reserve shall be placed inside the public road allowance – e.g. the final public road allowance would be 20.3 m. and be comprised of two (2) parts, the 20.0 m. wide road allowance and the 0.3 m. reserve. The latter would be deeded to the City in trust.

3. Lands Required to be Registered under Land Titles Act

We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2). Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

4. Sewage Works

Approvals for sewage works are required under the Ontario Water Resources Act, R.S.O., 1990 as amended and the Environmental Protection Act, R.S.O., 1990 as amended.

5. Water Works

Water works shall meet the requirements of, and be approved by, the City of Kawartha Lakes Public Works Water and Waste Water Division, in accordance with the Safe Water Drinking Act, S.O. 2002 as amended and the Environmental Protection Act, R.S.O. 1990 as amended.

6. Clearance of Conditions

A copy of the Condominium Agreement should be sent to public bodies with conditions covered under the Agreement. This will expedite clearance of the final plan. Please do not send a copy to the Ministry of Municipal Affairs.

to

REPORT PLAN2021-006

FILE NO: D06-17-028

D04-17-001

The Corporation of the City of Kawartha Lakes
By-Law 2021 -

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

[File D06-17-028, Report PLAN2021-006, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, Former Village of Bobcaygeon, identified as 7-27 Lakewood Crescent – Port 32 Inc.]

Recitals:

- 1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
- 2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a residential use and to amend the development standards on the subject land to facilitate the development of 48 townhouse dwelling units.
- 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 2021-__.

Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, Former Village of Bobcaygeon, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 16-78 of the Village of Bobcaygeon is further amended to add the following section to Section 7a.3:

“k. Notwithstanding Sections 7a.1 and 7a.2, on land zoned R4-S11, townhouse dwelling units are permitted subject to the following zone provisions:

- i. Lot means the entirety of those lands outlined and referred to as "R4-S11" as shown on Schedule "A" attached hereto.
- ii. Lot frontage means that portion of the lot abutting on Lakewood Crescent.
- iii. Section 3.13 b. iii does not apply to lands zoned R4-S11.
- iv. Maximum number of dwelling units 48
- v. Minimum Front Yard Setback 4.4m
- vi. Minimum Interior Side Yard Setback 2.6m
- vii. Minimum Exterior Side Yard Setback 3.0m
- viii. Minimum Rear Yard Setback 3.4m
- ix. Minimum Building Separation 3.0m
with end walls
containing
windows that face
each other
- x. Maximum Lot Coverage 40%”

1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 16-78 of the Village of Bobcaygeon is further amended to change the zone category from the General Industrial (M2) Zone to an Urban Residential Type Four Exception Eleven (R4-

S11) Zone for the land referred to as 'R4-S11', 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 ***, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

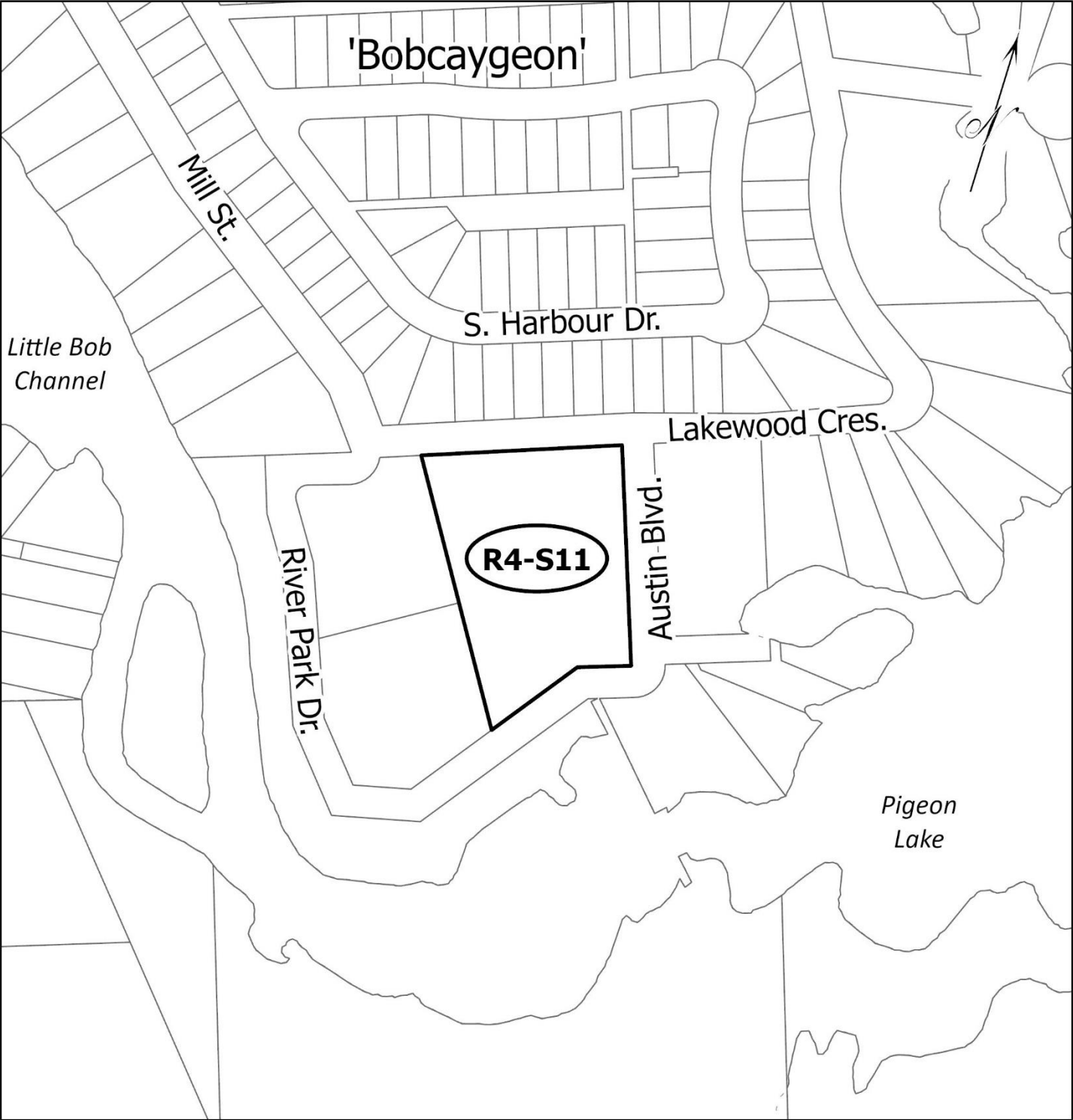
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____





Planning Advisory Committee Report

Report Number:	ENG2021-005
Meeting Date:	February 10, 2021
Title:	Assumption of Churchdown Mews Subdivision, Lindsay
Description:	Assumption of Holtom Street, Milner Court, and Moynes Court, Lindsay
Type of Report:	Regular Meeting
Author and Title:	Christina Sisson, Supervisor, Development Engineering

Recommendation(s):

That Report ENG2021-005, **Assumption of Churchdown Mews Subdivision, Lindsay**, be received;

That the Assumption of Churchdown Mews Subdivision, Geographic Town of Lindsay, be approved;

That an Assumption By-Law, substantially in the form attached as Appendix 'A', to Report ENG2021-005 be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes entered into a Subdivision Agreement with Dunster Investments Inc. for the subdivision known as Churchdown Mews in 2014. Further to the request for assumption from the Owner, Dunster Investments Inc., the Engineering & Corporate Assets Department is recommending formal assumption of the roads and walkway within this subdivision and the assumption of the stormwater management pond serving all phases of the Churchdown Development.

The servicing and the final lift of asphalt for the subdivision were completed and deficiencies rectified. Subsequent inspections conducted by the City have confirmed that the public services are eligible for assumption. A formal by-law is required for formal assumption.

Street trees have been planted, inspected, and are guaranteed by the Owner's development team for another year.

The Engineer of Record, Greck and Associates Limited, has completed the inspection of the stormwater management pond clean out following the completion of all phases of the subdivision development. The engineering certification and the Operation and Maintenance plan submitted have been reviewed by the City for compliance with the Certificate of Approval through the Ministry of the Environment.

Through the design of the intersection of Holtom Street and Logie Street, additional land was retained by the City. Therefore, this parcel is required to be dedicated and assumed as right of way.

The services in this development have been constructed and installed according to the registered subdivision agreement.

The City, pursuant to the Subdivision Agreement, is now obliged to assume the public services, as follows:

Assume as Right of Way:

- Holtom Street, Plan 57M-796, PIN: 63232-0130 and associated 0.3 metre reserve, PIN: 63232-0175
- Moynes Court, Plan 57M-796, PIN: 63232-0280
- Milner Court, Plan 57M-796, PIN: 63232-0279 and the associated 0.3 metre reserves, Blocks 47 and 48, Plan 57M-796, PINs: 63232-0277 and 63232-0278, respectively

Dedicate and Assume as Highway:

- Intersection of Holtom and Logie, PIN: 63232-0018
- Road widenings, Logie Street, Blocks 41 and 42, Plan 57M-796, PINs: 63232-0271 and 63232-0272, respectively

Assume as Walkway:

- Walkway Block 40, Plan 57M-796, PIN: 63232-0270

Assume as Pond:

- Stormwater Management Pond, located on the west side of Logie Street at Parkside Drive, PIN: 63232-0295

A copy of Plan 57M-796 is attached as Appendix 'B' for reference.

Rationale:

The services in this subdivision have been constructed and installed according to the plans and specifications as outlined in the registered subdivision agreement. Staff carried out inspections of this subdivision. To date, all deficiencies have been rectified, and the roads and pond block are now in a condition to be assumed.

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

Other Alternatives Considered:

Council could decide not to proceed with assumption of the roads and pond identified; however, this would not be consistent with our commitment through the subdivision agreement. In addition, the Owners have worked diligently with their development team to complete the required services.

Alignment to Strategic Priorities:

The City's 2020-2023 Strategic Plan outlines the strategic goals of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The assumption of this subdivision aligns with offering new residents with the development of housing options that have trail connectivity and walkability. Tree cover has been enhanced with the plantings within the municipal rights of way. The stormwater management pond provides water quality control to protect the downstream receiver, the Scugog River, and ultimately, Sturgeon Lake.

Financial/Operation Impacts:

The Owners have ensured the completion of the works and have posted in the Daily Commercial News to comply with the required notice for the standard statutory declaration and the Construction Act. Security releases have occurred to date. Complete security reduction will occur upon registration of the assumption by-law.

Upon assumption of the subdivision, the City will be responsible for the general maintenance of the streets and services (in addition to services already provided), and the stormwater management pond. Associated funds will be required to be allocated in future budgets for operation and life cycle replacement.

Servicing Comments:

The subdivision was serviced in accordance with the approved design. For the Churchdown Mews Subdivision, the following assets are eligible for assumption:

The services in the subdivision include:

DR18 PVC Watermain

- 183 metres of 150 mm diameter
- 198.9 metres of 200 mm diameter

SDR35 PVC Sanitary Sewer

- 414 metres of 200 mm diameter

Storm Sewer

- 53 metres of 300 mm diameter SDR35 PVC
- 174.5 metres of 450 mm diameter SDR35 PVC
- 33 metres of 525 mm diameter 65D Concrete
- 104 metres of 600 mm diameter 100D Concrete

Asphalt Road

- 3,288 square metres

Multi-Use Trail – Asphalt

- 39.2 metres long, 3.0 metres wide

For all phases of the Churchdown Subdivision, one Stormwater Management Pond is to be assumed – Certificate of Approval 2679-6J9L7K. The ownership of this approval will be facilitated to be transferred to the City upon registration of the assumption by-law.

Consultations:

Finance Division

Public Works Department

Attachments:

Appendix A – Draft by-law



2021-XXX Assume
Holtom Street Milne

Appendix B – Plan 57M-796



Appendix 'B' Plan
57M-796.pdf

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas

Department File:

The Corporation of the City of Kawartha Lakes

By-law 2021-XXX

A By-law to Assume Holtom Street, Plan 57M-796, PIN: 63232-0130 and associated 0.3 metre reserve, PIN: 63232-0175, Milner Court, Plan 57M-796, PIN: 63232-0279 and associated 0.3 metre reserves, Blocks 47 and 48, Plan 57M-796, PINs: 63232-0277 and 63232-0278, respectively, Moynes Court, Plan 57M-796, PIN: 63232-0280, previously dedicated and conveyed to the municipality upon the registration of Plans 57M-777 and 57M-796, and to assume Walkway Block 40, Plan 57M-796, PIN: 63232-0270, and to assume the Stormwater Management Pond, PIN: 63233-0295, and to Dedicate and Assume PIN: 63232-0018 and Road Widenings as part of Logie Street, Blocks 41 and 42, Plan 57M-796, PINs: 63232-0271 and 63232-0272, respectively, Geographic Town of Lindsay, The Corporation of the City of Kawartha Lakes

Recitals

1. Subsection 31(4) of the Municipal Act, 2001 authorizes Council to assume unopened road allowances or road allowances shown on registered plans of subdivision for public use, by by-law.
2. Council now deems it desirable to assume Holtom Street, Milner Court, and Moynes Court, and to dedicate and assume the Logie Street widenings, and parcel of land at the intersection of Logie Street and Holtom Street, Geographic Town of Lindsay, the Corporation of the City of Kawartha Lakes as public highways in the City of Kawartha Lakes.
3. Council now deems it desirable to assume the Stormwater Management Pond, located on the west side of Logie Street at Parkside Drive, and the walkway connecting Milner Court to Parkside Drive, Geographic Town of Lindsay, in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-183.

Section 1.00: Definitions and Interpretation

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

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

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

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

1.02 Interpretation Rules:

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

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

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

Section 2.00: Assumption of Services

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

- a) The road known as Holtom Street, Plan 57M-796, Geographic Town of Lindsay, City of Kawartha Lakes
- b) The road known as Milner Court, Plan 57M-796, Geographic Town of Lindsay, City of Kawartha Lakes
- c) The road known as Moynes Court, Plan 57M-796, Geographic Town of Lindsay, City of Kawartha Lakes

2.02 Assumption: The following facilities are assumed by the City:

- a) The stormwater management pond located on the west side of Logie Street at Parkside Drive, Geographic Town of Lindsay, City of Kawartha Lakes
- b) The walkway, Plan 57M-796, Geographic Town of Lindsay, City of Kawartha Lakes

Section 3.00: Highway Dedication and Assumption

3.01 Dedication and Assumption: The following lands are to be dedicated as highway and assumed by the City:

- a) The parcel of land at the intersection of Holtom Street and Logie Street, PIN: 63232-0018, Geographic Town of Lindsay, City of Kawartha Lakes
- b) The road widenings known as Logie Street, Plan 57M-796, Geographic Town of Lindsay, City of Kawartha Lakes

Section 4.00: Effective Date

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

By-law read a first, second and third time, and finally passed, this ____ day of February, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

