

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2022-08

Wednesday, August 10, 2022

Meeting to Commence at 1:00 p.m. - Electronic Public Participation

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Wayne Brumwell

Jason Willock

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To request to speak at a "**Public Meeting Report**" on this agenda, email agendaitems@kawarthalakes.ca and reference the report number in your email **by Wednesday, August 10, 2022 at 12:00 p.m.** To request to speak to a "**Regular and Returned Report**", each person must submit a completed [deputation request form](#) **by Monday, August 8, 2022 at 12:00 p.m.** After we receive your email, you will receive instruction from staff on how to participate either by Zoom or in person at the meeting. Anyone may provide written comments on each application by email to clerks@kawarthalakes.ca.

Limited seating in Council Chambers is available by appointment only to view or speak to an item on the agenda in person. Please contact the City Clerk's Office at clerks@kawarthalakes.ca or 705-324-9411 ext. 1322 to reserve a seat. Alternatively, please visit the City of Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view the meeting live-stream.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1.	PLAN2022-047	4 - 18
	Application to Amend the Kawartha Lakes Official Plan and Mariposa Zoning By-law 94-07 with a Plan of Subdivision at 27 Stub Road, Mariposa - King's Bay and Geranium Jonathan Derworiz, Planner II	
3.1.1.	Public Meeting	
3.1.2.	Business Arising from the Public Meeting	
	That Report PLAN2022-047, Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa, be received for information; and	
	That Report PLAN2022-047, Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa, be referred back to staff for processing until review of the technical studies has been completed and comments from the public have been addressed.	
4.	Deputations	
5.	Correspondence	
6.	Regular and Returned Reports	
6.1.	PLAN2022-030	19 - 36
	Application to Amend the Verulam Zoning By-law 6-87 at 63 North Bayou Road, Verulam - Boehm Ian Walker, Planning Officer - Large Developments	

That Report PLAN2022-030, **Amend the Verulam Zoning By-law 6-87 at Vacant Land on North Bayou Road, Verulam, Boehm – Application D06-17-024**, be received;

That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2022-030, be referred to Council for approval and adoption;

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

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

7. Adjournment



Planning Advisory Committee Report

Report Number:	PLAN2022-047
Meeting Date:	August 10, 2022
Title:	Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa
Description:	To amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law to permit the creation of 44 residential lots.
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2022-047, **Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa**, be received for information; and

That Report PLAN2022-047, **Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa**, be referred back to staff for processing until review of the technical studies has been completed and comments from the public have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The land known as 27 Stub Road in the former Township of Mariposa operated as the King’s Bay Golf & Country Club until 2019 (Appendix A and Appendix B). Under the City of Kawartha Lakes Official Plan (Official Plan), the lands are identified as Development Plan Area 3 (DP-3). DP-3, which carries forward land use designations applied under the Victoria County Official Plan (VCOP), applies Nature Reserve and Shoreline designations (Appendix C). The Township of Mariposa Zoning By-law (Zoning By-law) zones these lands as Community Facility Exception Three (CF-3) Zone, Community Facility Exception Four (CF-4) Zone, Environmental Protection Exception Five (EP-5) Zone, and Environmental Protection Exception Six (EP-6) Zone (Appendix D). The currently applied Exception Zones permit the golf course and related accessory uses that are no longer operating.

Owner:	King’s Bay Golf Club Limited
Applicant:	Matthew Cory, Malone Given Parsons Ltd.
Legal Description:	All of Block 111, 113 & 114, Pt Block 107, 108 & 112, 57R8284 & 57R8288
Official Plan:	City of Kawartha Lakes Official Plan – Development Plan Area Three (DP-3) Victoria County Official Plan – Shoreline and Nature Reserve
Zoning:	Tourist Commercial Exception Three (C3-3) Zone; Tourist Commercial Exception Four (C3-4) Zone; Environmental Protection Exception Five (EP-5) Zone; and, Environmental Protection Exception Six (EP-6) Zone.
Area:	Approximately 51.68 hectares
Site Servicing:	Municipal water, sanitary and storm sewer services
Existing Uses:	Former golf course.
Adjacent Uses:	North: Agricultural and Residential East: Residential and Lake Scugog South: Residential and Lake Scugog/Nonquon River West: Residential and Nonquon River

Rationale:

Proposal:

By way of an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision, the applicant is proposing to redevelop the existing golf course into 44 residential lots and green space. The residential lots would front three new streets that extend from Southcrest Drive. There are currently 107 residential lots along Southcrest Drive. To accommodate the subdivision and residential development, the applicant is proposing to amend the Official Plan and rezone the subject lands. The following materials were submitted in support of these applications:

- 1) Planning Opinion Report (with Addendum), prepared by Malone Given Parsons Ltd. This Report provides an outline of the proposed development and evaluates conformity with the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan (2012) and Township of Mariposa Zoning By-law. The Addendum provides an urban design analysis of the development. Staff are currently reviewing this report and addendum.
- 2) Environmental Impact Study (incl. Species at Risk Assessment) (December 2021) prepared by Beacon Environment Limited. The purpose of this Study is to: identify any natural heritages features and their ecological functions as they pertain to the area of development and influence; assess potential impacts and recommend mitigation measures for such impacts to significant natural heritages features and functions; and, evaluate the proposed development in the context of applicable natural heritage legislation, regulations and policies. This study is currently being reviewed.
- 3) Arborist Report (December 2021), prepared by Beacon Environmental Limited. The purpose of this report is provide an inventory and assessment of the trees on and adjacent to the subject lands within the proposed residential lot limits and to identify trees that are recommended for removal to accommodate the proposed development, and to provide recommendations for tree preservation measures and mitigation. This study is currently under review.
- 4) Phase One and Phase Two Environmental Site Assessments (December 2021 and April 2022, respectively), prepared by Golder Associates Ltd. Environmental Site Assessments. Phase One Assessments provide a review of the site and proposal and identify areas of potential environmental concern. These areas were further studied in Phase Two Assessments. The Assessments are currently being reviewed.
- 5) Geotechnical and Hydrogeological Investigations (December 2021), prepared by Golder Associates Ltd. This report details the field work and testing that

- was undertaken for the proposed development and provided engineering comments, recommendations and parameters for the geotechnical aspects of the development. This report is currently being peer-reviewed.
- 6) Water Supply Investigation (February 2022), prepared by Golder Associates Ltd. The purpose of this work is to investigate an additional municipal well that may serve to add additional source capacity to the existing municipal water system and support the proposed development. This report is currently being reviewed.
 - 7) Water Budget Assessment (December 2021), prepared by Golder Associates Ltd. This report provides pre and post development water budgets for the study area and is currently under review.
 - 8) Functional Servicing and Stormwater Management Report (December 2021), prepared by SCS Consulting Group Ltd. The purpose of this report is to demonstrate that the proposed development can be serviced and graded in compliance with municipal and provincial design criteria and is currently being reviewed.
 - 9) Phosphorus Budget (December 2021), prepared by Hutchinson Environmental Sciences Ltd. This report describes the current and future phosphorous budget for the proposed development and is currently under review.
 - 10) Transportation Impact Study (December 2021), prepared by BA Group. The study reviews all required transportation-related aspects of the proposed development and is currently under review.
 - 11) Stage 1 Archaeological Assessment (November 2021), prepared by Golder Associates Ltd. The Assessment documents an archaeological review of the subject lands and is currently under review.
 - 12) Draft Plan of Subdivision (December 2021), prepared by Malone Given Parsons.
 - 13) Conceptual Lot Layout with Constraints (January 2022), prepared by Malone Given Parsons.
 - 14) Boundary Survey (May 2000), prepared by H.F. Grander Co. Ltd.
 - 15) Topographic Survey (January 2022), prepared by R-PE Surveying Ltd.
 - 16) Landscape Concept Plan (December 2021), prepared by Schollen & Company Inc.
 - 17) Sample Elevations and Floor Plans, prepared by Hunt Design/RN Design

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

The subject lands are considered a Rural Settlement Area and policies prescribed by Section 1.1.3 Settlement Areas and Section 1.1.4 Rural Areas in Municipalities apply. These policies address land use considerations such as mixes of land uses, intensification of settlement areas and acknowledgement of rural characteristics should a rural settlement area be intensified.

Section 1.2 Coordination of the PPS prescribes policies that address coordination among agencies and jurisdictions. The proposed development contemplates a new well which requires acceptance and approval from the Kawartha Region Conservation Authority and the Ministry of Environment and Climate Change.

In Section 1.6 Infrastructure and Public Service Facilities, servicing of water, sewer and stormwater as well as transportation is contemplated. The proposed development has implications for source water and the materials submitted in support of these applications that address these considerations are currently under review. The proposed development includes 44 new lots with three extensions off of Southcrest Drive. The Transportation Impact Study submitted is currently under review.

These applications also have strong considerations under Section 2.1 Natural Heritage, 2.2 Water, and 2.6 Cultural Heritage and Archaeology due to the environmental and archaeological features that have been identified to be adjacent to and within the subject lands.

From solely a land use perspective, the proposed redevelopment of the existing golf course into multiple residential lots can be contemplated under Sections 1.1.3 and 1.1.4, however, this is a complex application with numerous technical studies that must be reviewed before full conformity with the PPS can be determined. Final PPS conformity will be determined once review of the application is complete.

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

In order to plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As described above, the subject lands are within a settlement area. Section 2.2.9 Rural Areas permits the creation of new multiple lots or units for residential development provided they are within a settlement area. From a land use perspective, there is contemplation for the proposed development however, water and wastewater systems (Section 3.2.6) and Stormwater management (3.2.7) must have adequate capacity.

Until review of the application and submitted materials is complete, full review of the policies prescribed by the Growth Plan cannot be completed. Full conformity with the Growth Plan will be determined once review of the applications are complete.

City of Kawartha Lakes Official Plan

The subject site is labelled as Development Plan Area Three (DP-3) under the City of Kawartha Lakes Official Plan. Within DP-3, the subject lands are designated Shoreline and Nature Reserve. The designations and corresponding policies within DP-3 were adopted under the Victoria County Official Plan (VCOP) and have been carried forward. It is important to note that Development Plan Area policies do not represent the policy framework established under the current Official Plan and, as such, are not to be taken as precedent or as an acceptable form of development under this Official Plan.

Under the DP-3 Shoreline designation, a maximum of 107 single detached residential lots, a resort containing 25 units, a nine-hole golf course, parks and recreational facilities and infrastructure shall be developed on full communal sewer and water services. Policies also prescribe a 15-30m naturalized buffer between the 249.8 metres Canadian Geodetic Datum highwater mark of Lake Scugog and the Shoreline designation. Only boat docking and boat launching facilities and infrastructure to serve the lands designated Shoreline will be permitted within this setback. In order to accommodate the proposed 44 residential lots, an amendment to the DP-3 is required.

The Nature Reserve designation within the DP-3 are intended to be retained in their natural state. This mirrors the current policies prescribed by the DP-3 for this designation. Staff note that no changes to the land use designation boundaries are proposed.

In the absence of policy to guide a review of the specific DP-3 area as it pertains to the proposal, amendments can be made provided that sufficient background materials and supporting studies have been submitted. Staff are in receipt of required studies as described earlier in this report and review is underway. Evaluation of intent to conform with City of Kawartha Lakes Official Plan will be determined once reviews are completed.

Township of Mariposa Comprehensive Zoning By-law 94-07

The subject lands are zoned Tourist Commercial Exception Three (C3-3) Zone; Tourist Commercial Exception Four (C3-4) Zone; Environmental Protection Exception Five (EP-5) Zone; and, Environmental Protection Exception Six (EP-6) Zone with permitted uses described below:

	C3-3	C3-4	EP-5	EP-6
Permitted uses	Lodge or Hotel and accessory retail use, meeting rooms, conference rooms and restaurant; clubhouse, pro shop, administrative offices and parking areas accessory to a golf course on an abutting lot; a business office located within the lodge or hotel; dwelling unit in a building containing another permitted use; a golf course.	Golf course.	Conservation uses; Bird or Wildlife Sanctuaries; Flood and Erosion Control Works; Forestry; Infrastructure inclusive of a water pumping station; boat docking facilities but excluding a commercial marina; passive recreation	Conservation uses; Bird or Wildlife Sanctuaries; Flood and Erosion Control Works; Forestry; Passive recreation

To permit the development as described, the applicant is proposing to apply Rural Residential Type Three Exception (RR3-XX) Zone, Community Facility (CF) Zone, Environmental Protection Exception Five (EP-5) Zone, and Environmental Protection Exception Six (EP-6) Zone. The RR3-XX Zone would prescribe zone provisions and development standards that are similar to those that are applied to the existing King’s Bay development while the CF, EP-5 and EP-6 Zones would be applied to the open

space and parkland that currently exists. The proposed rezoning would affect portions of the existing C3-3 and C3-4 Zones.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

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

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs may be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 500m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

At the time of report writing, staff have received correspondence from six residents. Concerns raised pertain to water system capacity, roadway capacity, presence of archaeological artifacts within the project area and proposed uses of the green space/open space.

Staff advised residents that as part of the application, technical studies were submitted and are currently being peer-reviewed. Staff are aware of the concerns as outlined above and await the completion of these peer-reviews.

The lands shown as green space/open space/park land will be used as such.

Agency Review Comments:

Conseil Scolaire Catholique MonAvenir (April 28, 2022): no comments on the proposed development.

Canada Post (May 3, 2022): no objections to the proposed development. Community mailboxes will be required to service new homes.

Hydro One (May 12, 2022): no comments or concerns.

Trillium Lakelands District School Board (May 10, 2022): We note that, at this time, our records show Southcrest Drive as a private road and school transportation is offered from the corner of Stub Road and Southcrest Drive. Should the road become a municipal road through the development process, school transportation services may be required to travel to the end of Southcrest Drive. Should this be the case, the Board requests that a turn around large enough for a full-sized school bus in winter be included in the planning and development of this subdivision.

Fire Prevention (July 15, 2022): Design of roads to ensure the ability maneuver fire apparatus would be our biggest concern – ensuring courts have a minimum 12m centerline radius at the ends.

Durham Region, Manager of Plan Implementation (July 19, 2022): no comments on the development proposal.

Development Services – Planning Division Comments:

This is a complex application with many technical studies requiring review and comment. As the satisfaction of technical requirements is a key component of staff’s recommendation as illustrated through the policy analysis sections in this report, full policy conformity cannot be determined until these reviews are complete.

Conclusion:

Staff recommends that this report for the proposed Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision be referred back to staff for review until all technical reviews are complete and comments from both agencies and the public are addressed.

Attachments:

Appendix 'A' – Aerial Photo



Appendix A Report
PLAN2022-047.pdf

Appendix 'B' – Location Plan



Appendix B Report
PLAN2022-047.pdf

Appendix 'C' – Development Plan Area Three (DP-3) Schedule



Appendix C Report
PLAN2022-047.pdf

Appendix 'D' – Zoning Map



Appendix D Report
PLAN2022-047.pdf

Appendix 'E' – Draft Plan of Subdivision (High Resolution)



Appendix E Report
PLAN2022-047.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D01-2022-003, D05-2022-001, and D06-2022-001

King's Bay (27 Stub Road)



0.92

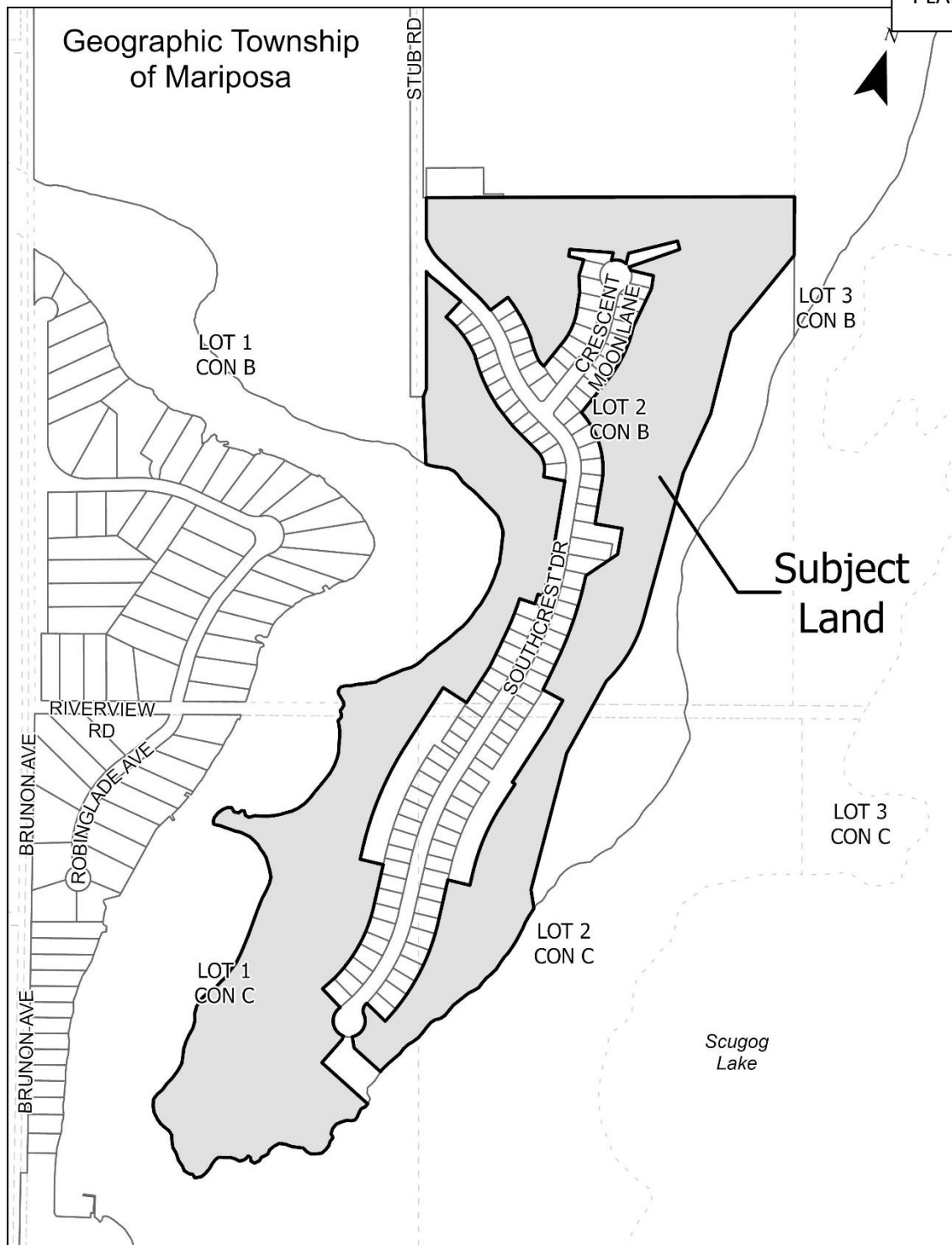
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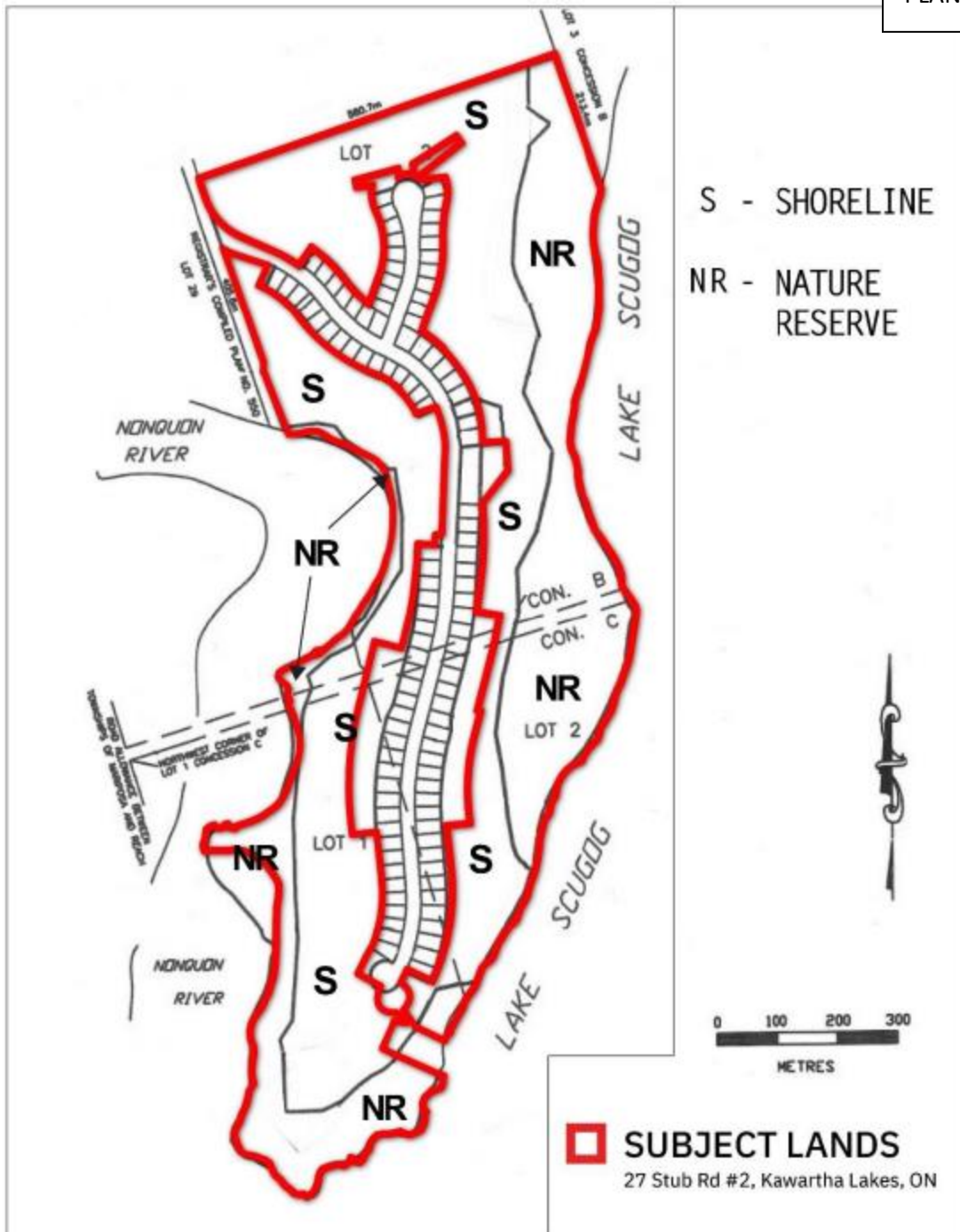
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© City Of Kawartha Lakes

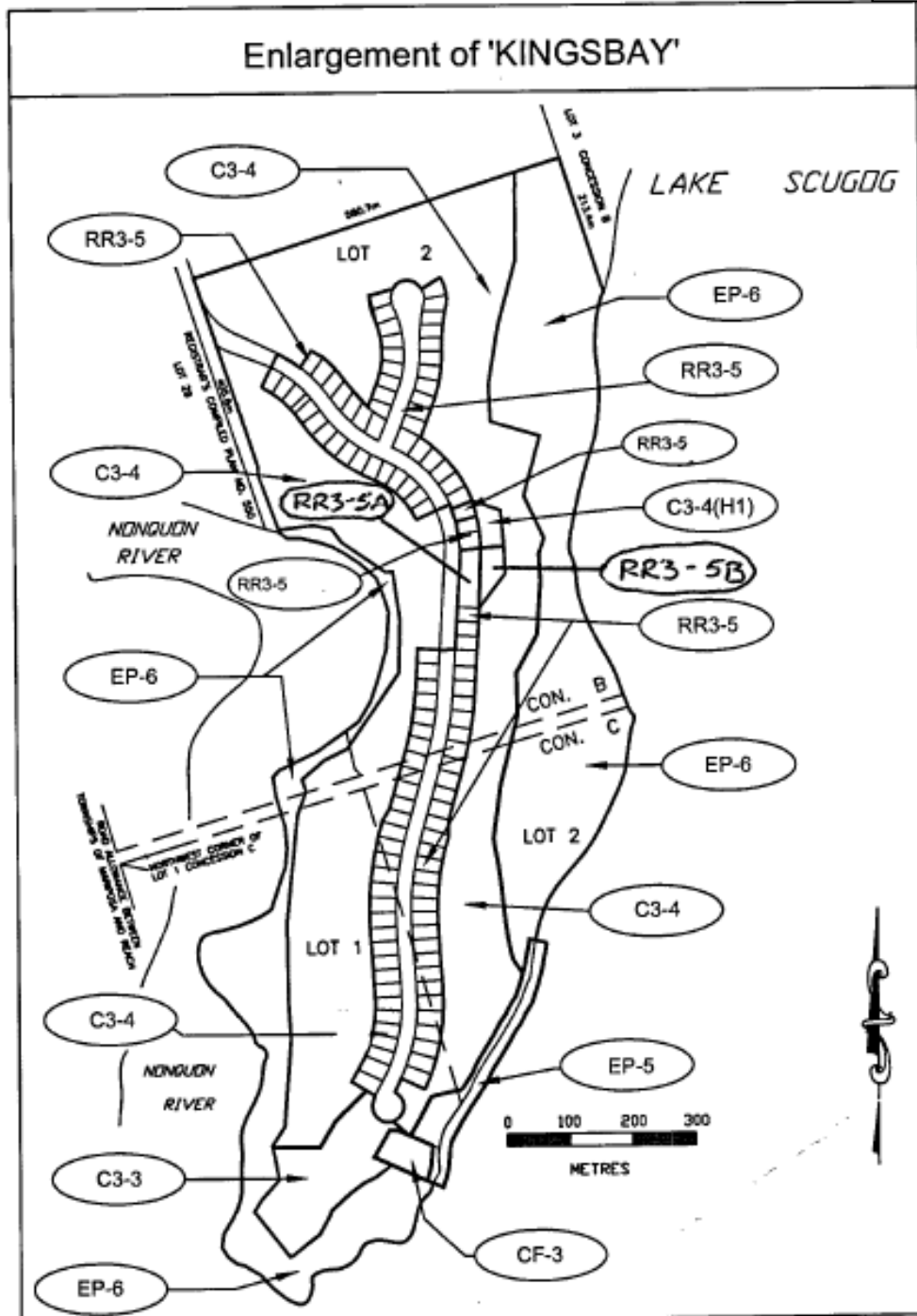
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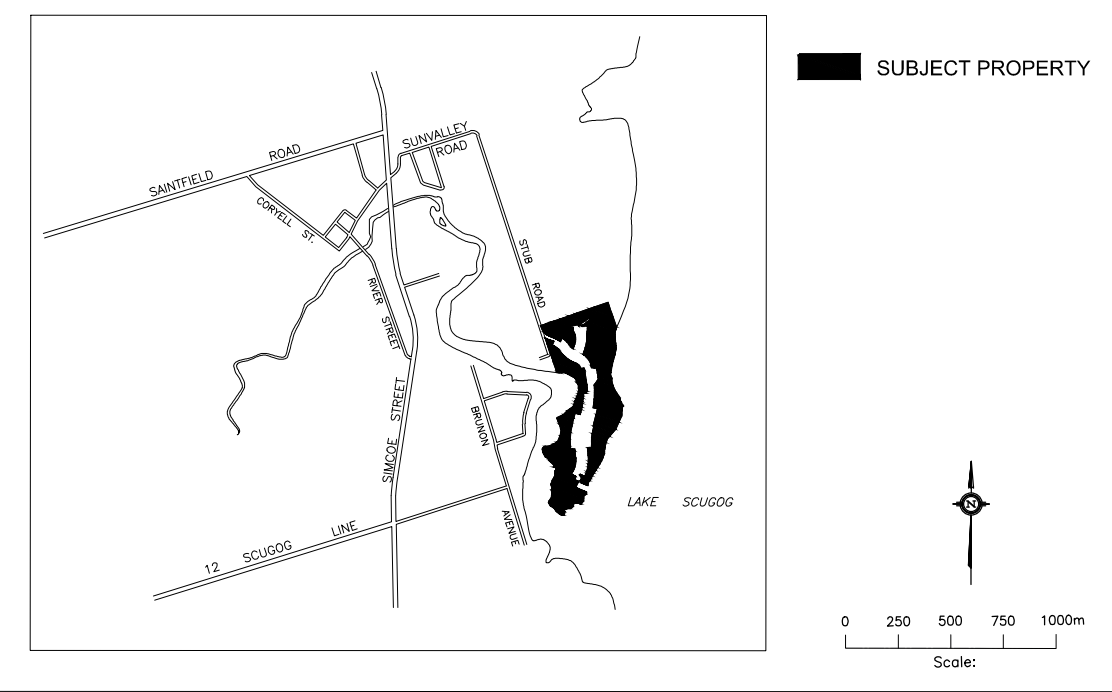




DRAFT PLAN OF SUBDIVISION
XXT-XXXXXX

All of Blocks 111, 113 and 114,
Part of Blocks 107, 108 and 112,
Plan 57M-747,
City of Kawartha Lakes

KEY PLAN



SCHEDULE OF LAND USE

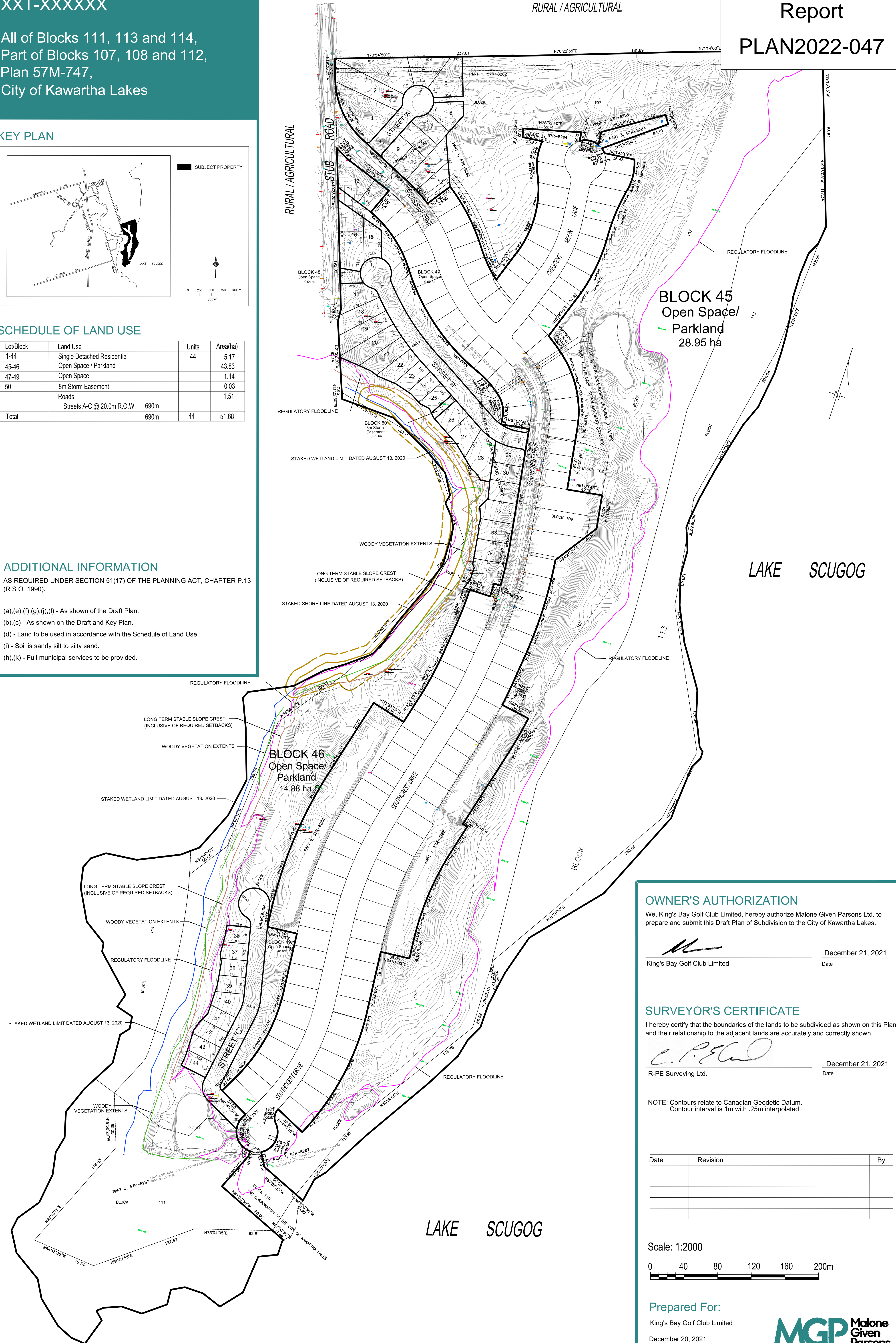
Lot/Block	Land Use	Units	Area(ha)
1-44	Single Detached Residential	44	5.17
45-46	Open Space / Parkland		43.83
47-49	Open Space		1.14
50	8m Storm Easement		0.03
	Roads		1.51
	Streets A-C @ 20.0m R.O.W. 690m		
Total	Streets A-C @ 20.0m R.O.W. 690m	44	51.68

ADDITIONAL INFORMATION

AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, CHAPTER P.13
(R.S.O. 1990).

(a),(e),(f),(g),(j),(l) - As shown of the Draft Plan.
(b),(c) - As shown on the Draft and Key Plan.
(d) - Land to be used in accordance with the Schedule of Land Use.
(i) - Soil is sandy silt to silty sand.
(h),(k) - Full municipal services to be provided.

Appendix E to
Report
PLAN2022-047



OWNER'S AUTHORIZATION

We, King's Bay Golf Club Limited, hereby authorize Malone Given Parsons Ltd. to prepare and submit this Draft Plan of Subdivision to the City of Kawartha Lakes.


King's Bay Golf Club Limited
December 21, 2021
Date

SURVEYOR'S CERTIFICATE

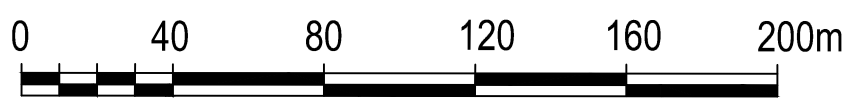
I hereby certify that the boundaries of the lands to be subdivided as shown on this Plan and their relationship to the adjacent lands are accurately and correctly shown.


R-PE Surveying Ltd.
December 21, 2021
Date

NOTE: Contours relate to Canadian Geodetic Datum.
Contour interval is 1m with .25m interpolated.

Date	Revision	By

Scale: 1:2000



Prepared For:

King's Bay Golf Club Limited
December 20, 2021

MGP File: 15-2448





Planning Advisory Committee Report

Report Number:	PLAN2022-030
Meeting Date:	August 10, 2022
Title:	Amend the Verulam Zoning By-law 6-87 at Vacant Land on North Bayou Road, Verulam
Description:	An application to amend the Township of Verulam Zoning By-law to permit a single detached dwelling on an existing lot of record on the property identified as Vacant Land on North Bayou Road, Verulam (Boehm)
Type of Report:	Regular Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2022-030, **Amend the Verulam Zoning By-law 6-87 at Vacant Land on North Bayou Road, Verulam, Boehm – Application D06-17-024**, be received;

That the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2022-030, be referred to Council for approval and adoption;

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

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on September 13, 2017 and the following resolution was passed:

PC2017-038

Moved By Mayor Letham

Seconded By Councillor Miller

Recommend That Report PLAN2017-052, **Plan 551 Lot 63, Concession 2 Part of Lot 13, Geographic Township of Verulam, Boehm – Application D06-17-024**, be received; and

That Report PLAN2017-052 respecting Application D06-17-024 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Carried

This report addresses that direction.

The applicant originally submitted a zoning by-law amendment application to change the zone category from the 'Open Space (OS) Zone' to the 'Residential Type One (R1) Zone'. The 'OS' zone permits agricultural or forestry uses; a public park; or public use. The 'R1' zone permits a single detached dwelling; a seasonal dwelling (cottage); home occupation; and a neighbourhood park or parkette. Through consultation with the various agencies and City Departments, the proposed amendment will now change the zone category on the developable portion of the property to the 'Open Space Exception Eighteen (OS-18) Zone', to recognize the site specific use.

The subject property was originally vacant land, and the intent of the change is to facilitate the construction of a single detached dwelling on the lot. As such, a rezoning is required.

Owner: Dennis Boehm

Original Applicant: EcoVue Consulting Services Inc. c/o Kent Randall

Legal Description: Lot 63 Registrar's Compiled Plan 551; Part of Lot 13, Concession 2, Geographic Township of Verulam

Designation: 'Waterfront' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan

Zone:	'Open Space (OS) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law Number 6-87		
Lot Area:	2,169.2 square metres [7,840.8 square feet – MPAC]		
Site Servicing:	Currently none. Proposed private individual on-site sewage disposal and well are required		
Existing Uses:	Vacant Land		
Adjacent Uses:	North:	North Bayou Road; Vacant Residential; Wetland	
	East:	North Bayou Road; Shoreline Residential; Wetland	
	South:	Shoreline Residential; Canal (Sturgeon Lake)	
	West:	Canal (Sturgeon Lake); Shoreline Residential	

Rationale:

The property is located on the south and west sides of North Bayou Road to the east of Hickory Beach Road, along the shoreline of Sturgeon Lake to the east of Sturgeon Point. See Appendix 'A'. According to the Municipal Property Assessment Corporation (MPAC) records, it is considered a vacant lot, however the initial concept plan shows an existing cottage to be removed, two (2) frame sheds, and a metal shed. The proposed development would remove the cottage and permit the construction of a new single detached dwelling on private services. See Appendix 'B'.

To address issues and concerns raised by the circulated commenting agencies and City Departments, the following additional information has been provided:

Flood Assessment and Flood Risk Mitigation Plan:

- A review of flooding potential and mitigation measures was provided by C.C. Tatham & Associates Ltd. The study confirms no development within the wetland, and that the development will not be impacted by flooding.

The above revised information has been circulated to the appropriate agencies and City Departments for review and comment.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):

Section 2.2.9 3. of the Growth Plan provides that development outside of settlement areas may be permitted on rural lands for: a) the management or use of resources; b) resource-based recreational activities; and c) other rural land uses that are not appropriate in settlement areas, provided they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Section 2.2.9 4. of the Growth Plan provides that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include where appropriate, resource-based recreational dwellings for seasonal accommodation. In accordance with Section 2.2.9 6., a new unit for residential development may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. The existing lot is designated 'Waterfront' which allows for one single detached dwelling. The applicant has submitted the appropriate studies to demonstrate the development can be serviced and appropriately placed outside of the natural features.

On this basis, this application demonstrates conformity with the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement, 2020 (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. The PPS provides that in rural areas, permitted uses and activities shall relate to the management or use of resources; resource-based recreational uses; limited residential development; and other rural land uses. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). The applicant submitted an Environmental Impact Study (EIS) prepared by Cambium Inc. and a supplementary Flood Assessment and Flood Risk Mitigation Plan (Flood Study) prepared by C.C. Tatham & Associates Ltd., which indicates all development can be accommodated outside of the floodplain and wetland.

Kawartha Conservation staff reviewed the EIS and Flood Study prepared in support of the zoning by-law amendment. Kawartha Conservation is accepting of rezoning the property to a site-specific 'Open Space' exception zone to recognize development of the identified portion of the property.

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

Official Plan Conformity:

The subject property is designated 'Waterfront' on Schedule A-5 of the Official Plan. Permitted uses in this designation include limited low density residential development and accessory uses. Portions of the abutting properties have been identified as 'Provincially Significant Wetlands' (PSWs) on Schedule 'B-5' of the Official Plan. New development is not permitted in PSWs, but may be permitted in areas adjacent to the PSWs.

Section 3.11 of the Official Plan requires that new development achieve a minimum 30 metre setback from the high water mark to be maintained in its natural state with no disturbance of the vegetation and soils, with the exception of a boathouse and dock in the 30 metre setback. This is an existing lot of record which has sufficient area to accommodate this setback.

In accordance with Section 20.3.6 of the Official Plan, new development will be developed on individual services at a low density. Single unit residential lots are the preferred form of development. Such development shall be compatible with the surrounding character and not result in adverse environmental impacts.

In accordance with Section 28.6.7 of the Official Plan, where lots do not have direct access onto a maintained year round municipal road or provincial highway, the City will not permit development to take place, unless the development complies with one of five exceptions, including:

- if the lot is zoned 'Limited Service' in the local Zoning By-law;

- the lot is within a plan of subdivision where the road is to be assumed by the municipality as provided for in a subdivision agreement;
- the land owner has entered into an agreement or licence with the City for maintenance and/or construction of the road; or
- access will be over a road that is part of a condominium where the owner of the lot or unit is a member of the condominium.
- The area is within DP8 (Longford Area) except if application for consent, subdivision or condominium is made.

Currently, the eastern portion of North Bayou Road is held in private ownership. The eastern portion of the road, along with another unimproved, unassumed road allowance looping to the north have been identified as 1 ownership by the Land Registry Office (LRO) using a Property Identification Number (PIN) which is different from the western portion of North Bayou Road. The City's Realty Services Division has confirmed that the portion of North Bayou Road fronting this property is held in private ownership. As such, the use of a site-specific 'Open Space Exception' zone can achieve the same purpose as a 'Limited Service' zone in the Township of Verulam Zoning By-law, in recognition that the lot does not front on an improved, assumed public street held in public ownership.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. On this basis, conformity with the policies of the Official Plan have been demonstrated.

Zoning By-Law Compliance:

The property is zoned 'Open Space (OS) Zone' in the Township of Verulam Zoning By-law 6-87 (the 'By-law'). The applicant originally requested to change the zone category to the 'Residential Type One (R1) Zone' for the entire site, to permit a single detached dwelling and accessory uses. Through the detailed analysis of the proposal and discussion with Kawartha Conservation, it was determined that the appropriate zoning would be an 'Open Space Exception (OS-) Zone', to recognize the existing development footprint located outside of the wetland boundary. As such, the portion of the property where development may be proposed will be changed to the 'Open Space Exception Eighteen (OS-18) Zone', with the balance of the lands remaining in the 'Open Space (OS) Zone'.

Exception Zone:

The 'OS-18' zone will specifically permit the same uses as the 'Limited Service Residential (LSR) Zone', being only a single detached dwelling or seasonal dwelling along with the required accessory uses, or a neighbourhood park or parkette, and in addition, recognizes a number of site-specific development standards as follows:

Zone Standard:	'R1' zone:	'LSR' zone:	'OS' zone	'OS-18' zone:
Permitted Uses	a. Single Detached Dwelling b. Seasonal Dwelling c. Home Occupation d. Neighbourhood Park or Parkette	a. Single Detached Dwelling b. Seasonal Dwelling c. Neighbourhood Park or Parkette	a. Agricultural or Forestry Use b. Public Park c. Public Use	a. Single Detached Dwelling b. Seasonal Dwelling c. Neighbourhood Park or Parkette
Minimum Lot Area	2,050 sq. m.	2,050 sq. m.	Not Applicable	2,150 sq. m.
Minimum Lot Frontage	36 m.	36 m.	Not Applicable	12 m.
Minimum Water Frontage	36 m.	36 m.	Not Applicable	12 m.
Minimum Front Yard Depth	7.5 m.	7.5 m.	Not Applicable	7.5 m.
Minimum Exterior Side Yard Width	7.5 m.	7.5 m.	Not Applicable	7.5 m.
Minimum Interior Side Yard Width	3.0 metres on one side, 1.8 metres on the other side	3.0 metres on one side, 1.8 metres on the other side	Not Applicable	3.0 m.
Minimum Rear Yard Depth	7.5 m.	7.5 m.	Not Applicable	5.0 m.
Minimum Dwelling Unit Area	85 sq. m.	85 sq. m.	Not Applicable	60 sq. m.

Zone Standard:	'R1' zone:	'LSR' zone:	'OS' zone	'OS-18' zone:
Minimum Landscaped Open Space	30%	30%	Not Applicable	30%
Maximum Lot Coverage	33%	33%	Not Applicable	25%
Maximum Height of Building	10.5 m.	10.5 m.	Not Applicable	10.5 m.
Maximum Dwelling Units Per Lot	1 only unless a converted dwelling	1	Not Applicable	1
Accessory Uses, Parking, Etc.	In accordance with the provisions of Section 5 hereof.	In accordance with the provisions of Section 5 hereof.	Not Applicable	In accordance with the provisions of Section 5 hereof.
Minimum Water Setback	15 m.	15 m.	Not Applicable	30 m.
Minimum Opening Elevation	Not Applicable	Not Applicable	Not Applicable	248.70 masl
Minimum Setback to OS zone	Not Applicable	Not Applicable	Not Applicable	3.0 m.

The proposed location of the development has not changed since the initial submission. The By-law requires 2 parking spaces for the dwelling unit type (single detached or seasonal dwelling). Based on the definitions in the By-law, the shoreline is considered to be the Front Lot Line. As such, the Rear Lot Line is the lot line abutting North Bayou Road, and a reduced 5.0 metre setback is proposed, due to the constraints on the western shoreline portion of the site. The existing building has a gross floor area of 64 square metres, as such, a minimum of 60 square metres is proposed. The 'OS-18' zone is estimated to be approximately 33% of the entire property, therefore a maximum of 25% has been selected for the maximum lot coverage, as parking spaces and on-site sewage need to be located in the 'OS-18' zone, and no other buildings or structures are permitted outside the 'OS-18' zone.

A Minimum Opening Elevation of 248.70 metres above sea level (masl) has been included in the By-law, which requires that all openings are located a minimum of 0.3 metres above the flood elevation of 248.40 masl for Sturgeon Lake. 0.3 metres of freeboard is the standard used for floodproofing. In addition, all buildings or structures are required to be a minimum of 3.0 metres away from the 'OS' zone, which applies to the wetland. All other setbacks are the same or similar to the existing 'LSR' zone. On this basis, compliance with the By-law has been demonstrated.

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

This application aligns with the 'Healthy Environment' priority by continuing to protect the natural shoreline while allowing development on an existing lot of record; and aligns with the 'Exceptional Quality of Life' priority by allowing a new development which provides new housing stock.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there may be costs, some of which may be recovered from the applicant.

Servicing Comments:

The property is currently serviced with a Class 1 Privy. Private individual water and sewage services are proposed for the development.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the application; to persons within a 500 metre radius of the property; and a Public Meeting was held by the Planning (Advisory) Committee on September 13, 2017. Including the writing of the original report for the Public Meeting and as of July 28, 2022, we have received the following comments:

Public Comments:

Comments were received from residents G. Sicilia, Mr. and Mrs. Tarantino and Ms. Monteleone in support of the application. Comments were received from D. Waterson indicating they do not anticipate any impact to them from drainage issues associated with the proposed development.

Agency Review Comments (most recent response):

August 24, 2017	The Engineering and Corporate Assets Department confirmed it has no objection to this application.
September 7, 2017	The Chippewas of Rama First Nation confirmed they reviewed the Public Meeting Notice, shared it with Council, and also forwarded a copy to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
November 15, 2017	The Community Services Department confirmed they have no concerns or comments.
March 15, 2022	Kawartha Conservation advised they will allow for an exception zoning to recognize the residential use, while retaining the Open Space zoning which recognizes the hazards associated with the property.
June 14, 2022	The Building and Septic Division's Part 8 Sewage Systems confirmed that the property could be serviced with a Class 5 Holding Tank for development as the site currently has sanitary disposal through a Class 1 Privy. A site visit was completed, and confirmation provided that the application can proceed with an alternative system.
July 27, 2022	The Public Works – Roads Division confirmed that North Bayou Road is assumed by service and fully maintained with an approximate length of 690 metres.

July 28, 2022 The Realty Services Division confirmed that the portion of North Bayou Road fronting this property with PIN 63125-0500 is held in private ownership.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. Kawartha Conservation has confirmed they are in support of the site specific exception zone, with the wetland portion of the site remaining undeveloped and in the appropriate 'Open Space' zoning. The Building and Septic Division has confirmed that an appropriate on-site Class 5 sewage system can fit in the developable portion of the site.

The application conforms to the Growth Plan, and is consistent with the PPS. Conformity with the City of Kawartha Lakes Official Plan policies for waterfront development has also been demonstrated.

Conclusion:

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

Attachments:

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

Appendix A – Location Map



PLAN2022-030
Appendix A.pdf

Appendix B – Original Development Concept Plan, dated April 27, 2017



PLAN2022-030
Appendix B.pdf

Appendix C – Flood Assessment Plan, dated August, 2018



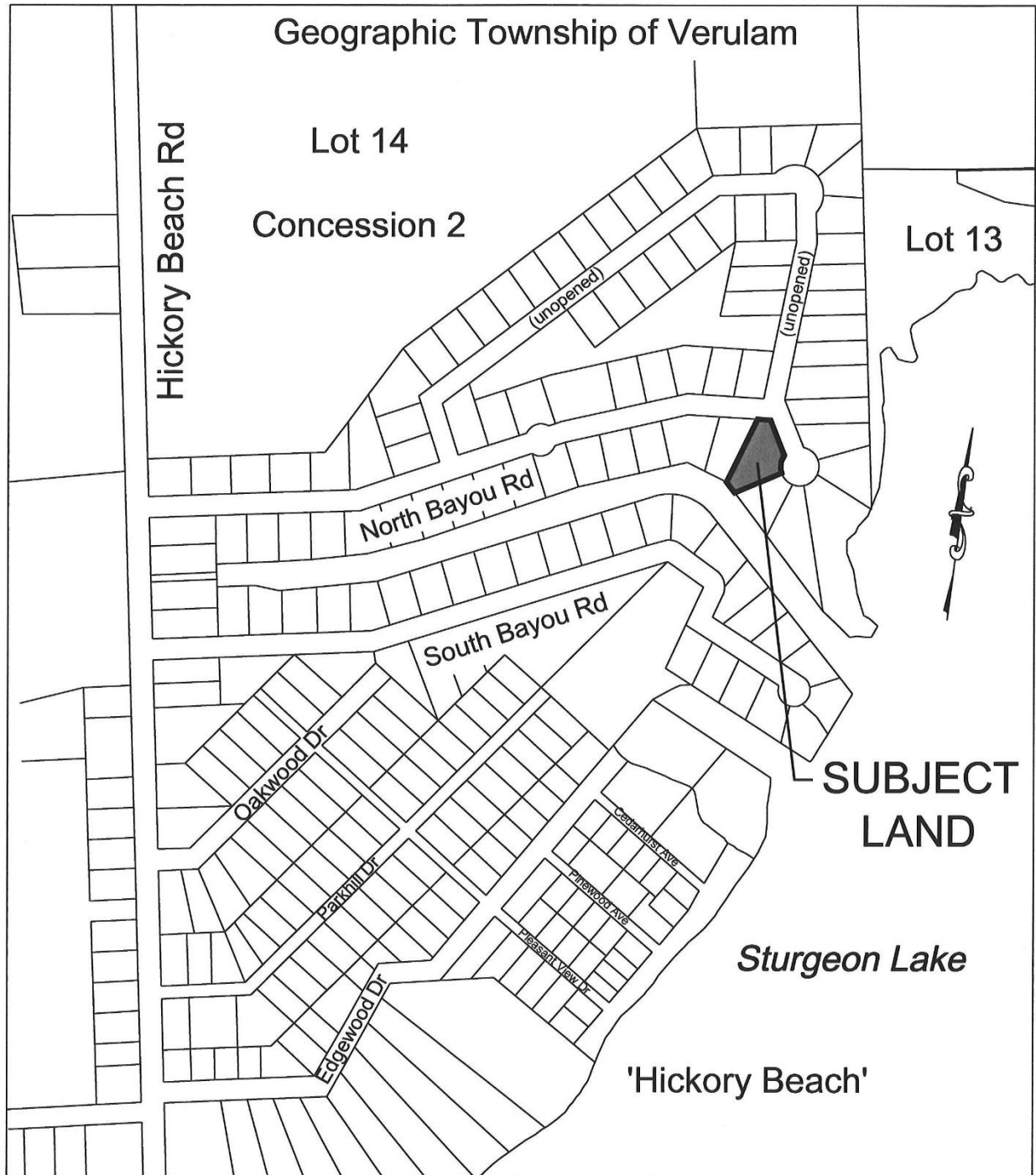
PLAN2022-030
Appendix C.pdf

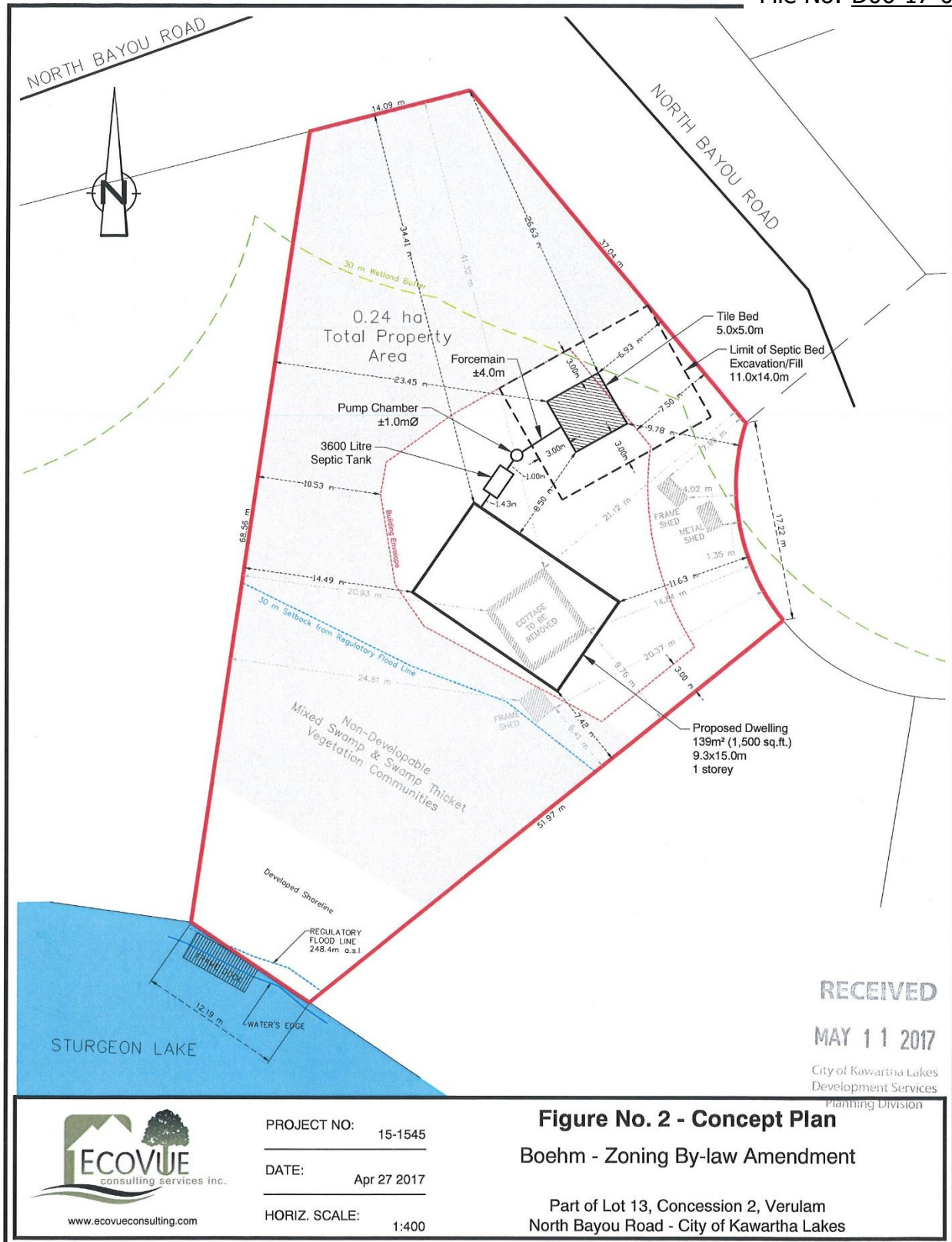
Appendix D – Proposed Zoning By-law Amendment



PLAN2022-030
Appendix D.pdf

Department Head Email:	rholy@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Department Files:	D06-17-024





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MAY 11 2017

City of Kawartha Lakes
Development Services
Planning Division



PROJECT NO: 15-1545

DATE: Apr 27 2017

HORIZ. SCALE: 1:400

Figure No. 2 - Concept Plan

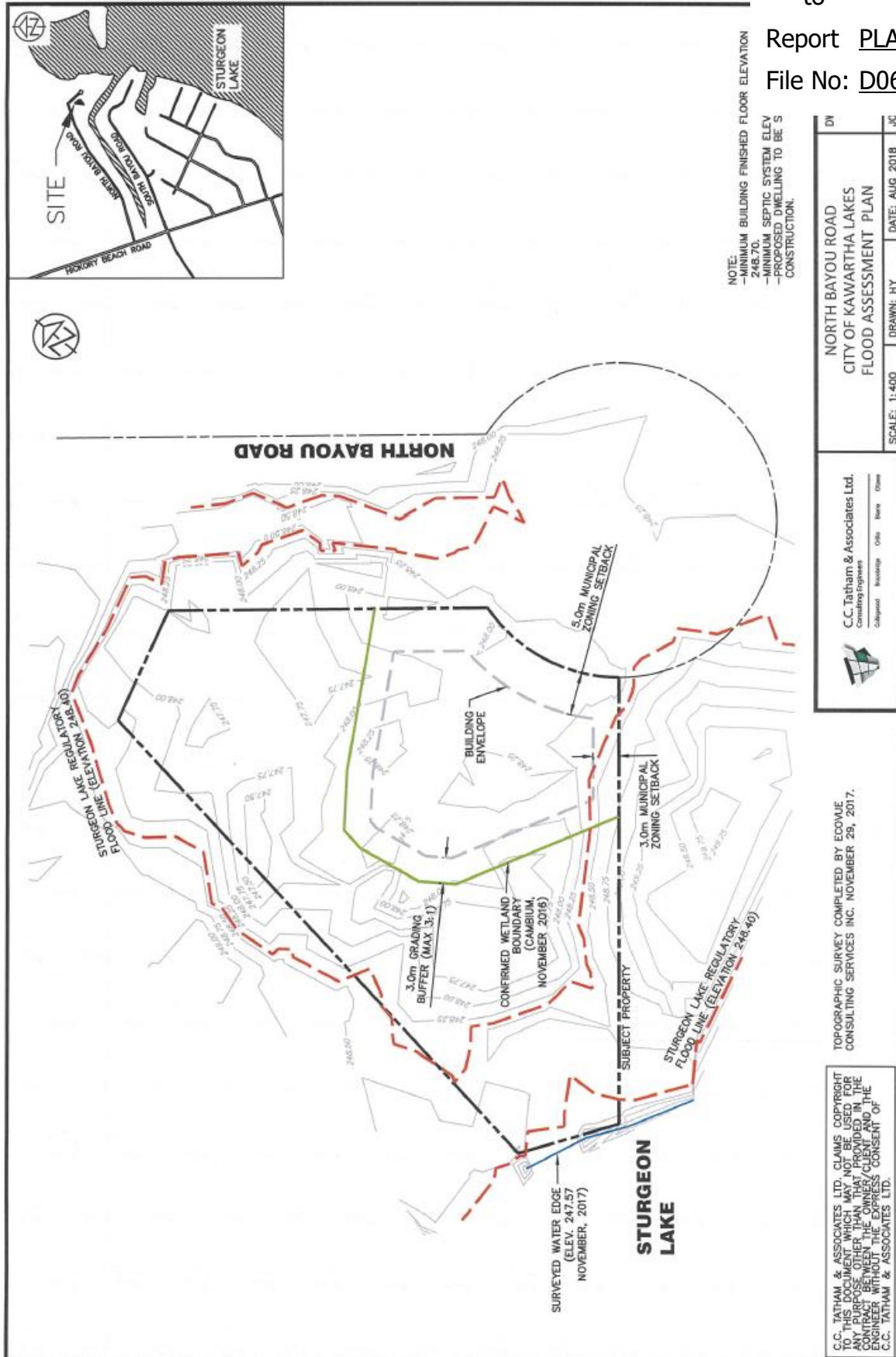
Boehm - Zoning By-law Amendment

Part of Lot 13, Concession 2, Verulam
North Bayou Road - City of Kawartha Lakes

to

Report PLAN2022-030

File No: D06-17-024



to

The Corporation of the City of Kawartha LakesReport PLAN2022-030**By-Law 2022 -**File No: D06-17-024**A By-law to Amend the Township of Verulam Zoning By-law No. 6-87 to
Rezone Land within the City Of Kawartha Lakes**

[File D06-17-024, Report PLAN2022-030, respecting Lot 63 Registrar's Compiled Plan 551; Part of Lot 13, Concession 2, Geographic Township of Verulam, identified as Vacant Land on North Bayou Road – Boehm]

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 residential uses on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lot 63 Registrar's Compiled Plan 551; Part of Lot 13, Concession 2, Geographic Township of Verulam, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 6-87 of the Township of Verulam is further amended to add the following section to Section 18.3:

'18.3.18 Open Space Exception Eighteen (OS-18) Zone

Notwithstanding the permitted uses and zone requirements for the OS zone, on land zoned OS-18, the following shall apply:

- i) Permitted uses:
 - a) Single detached dwelling
 - b) Seasonal dwelling
 - c) Neighbourhood park or parkette
- ii) Minimum lot area 2,150 sq. m.
- iii) Minimum lot frontage 12 m.
- iv) Minimum water frontage 12 m.
- v) Building setbacks:
 - a) Front yard (minimum) 7.5 m
 - b) Exterior side yard (minimum) 7.5 m
 - c) Interior side yard (minimum) 3.0 m

d)	Rear yard (minimum)	5.0 m
e)	Water setback (minimum)	30 m
f)	Setback to OS zone (minimum)	3 m
vi)	Building area (minimum)	60 sq. m.
vii)	Minimum landscaped open space	30%
viii)	Maximum lot coverage	25%
ix)	Building height (maximum)	10.5 m
x)	Maximum dwelling units per lot	1
xi)	Minimum opening elevation of buildings	248.70 masl
xii)	Accessory uses, parking, etc. are in accordance with the provisions of Section 5 hereof.'	

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 6-87 of the Township of Verulam is further amended to change the zone category from the 'Open Space (OS) Zone' to the 'Open Space Exception Eighteen (OS-18) Zone' for the land referred to as 'OS-18', 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 ***, 2022.

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 _____ 2022.

MAYOR _____ CLERK _____

